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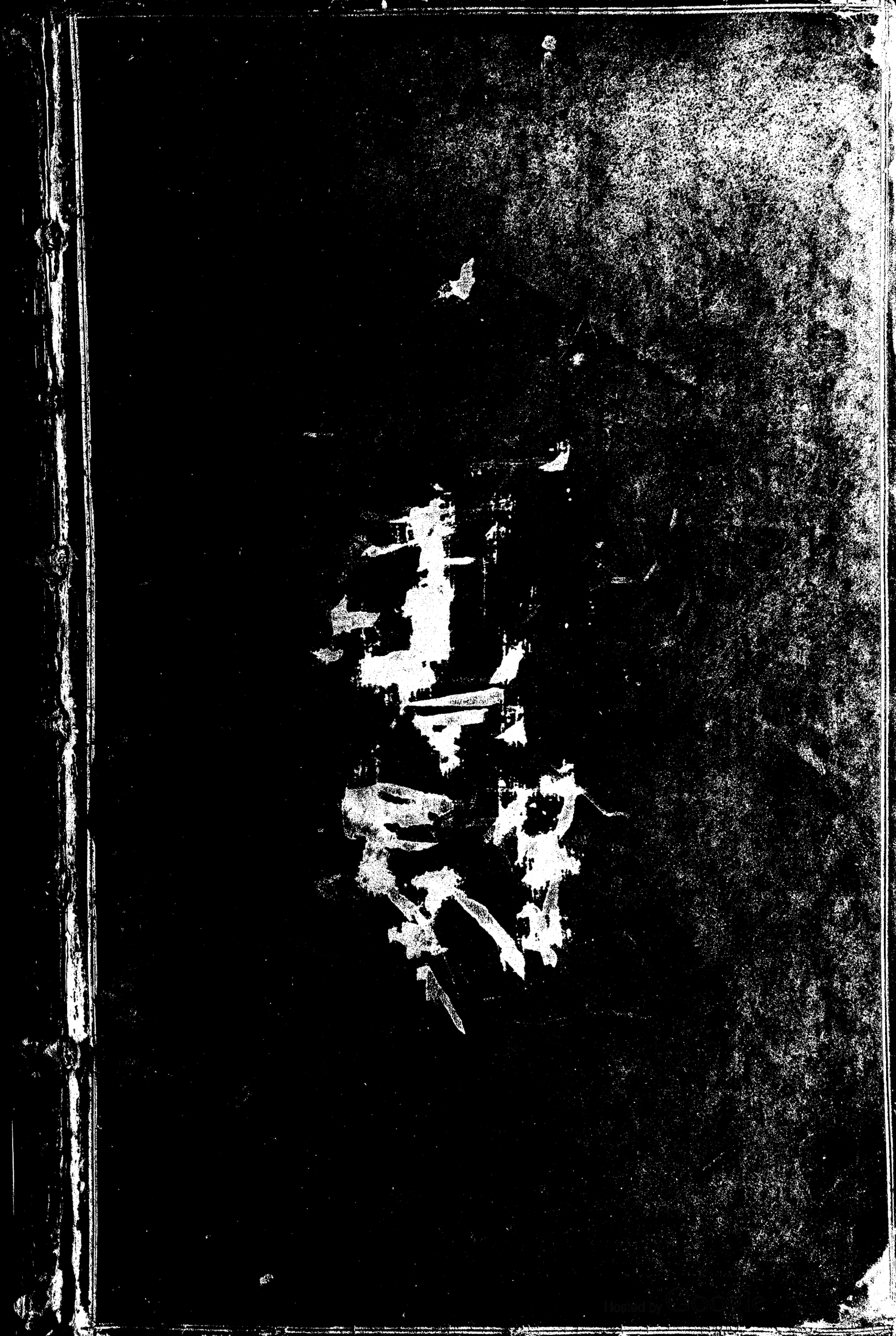

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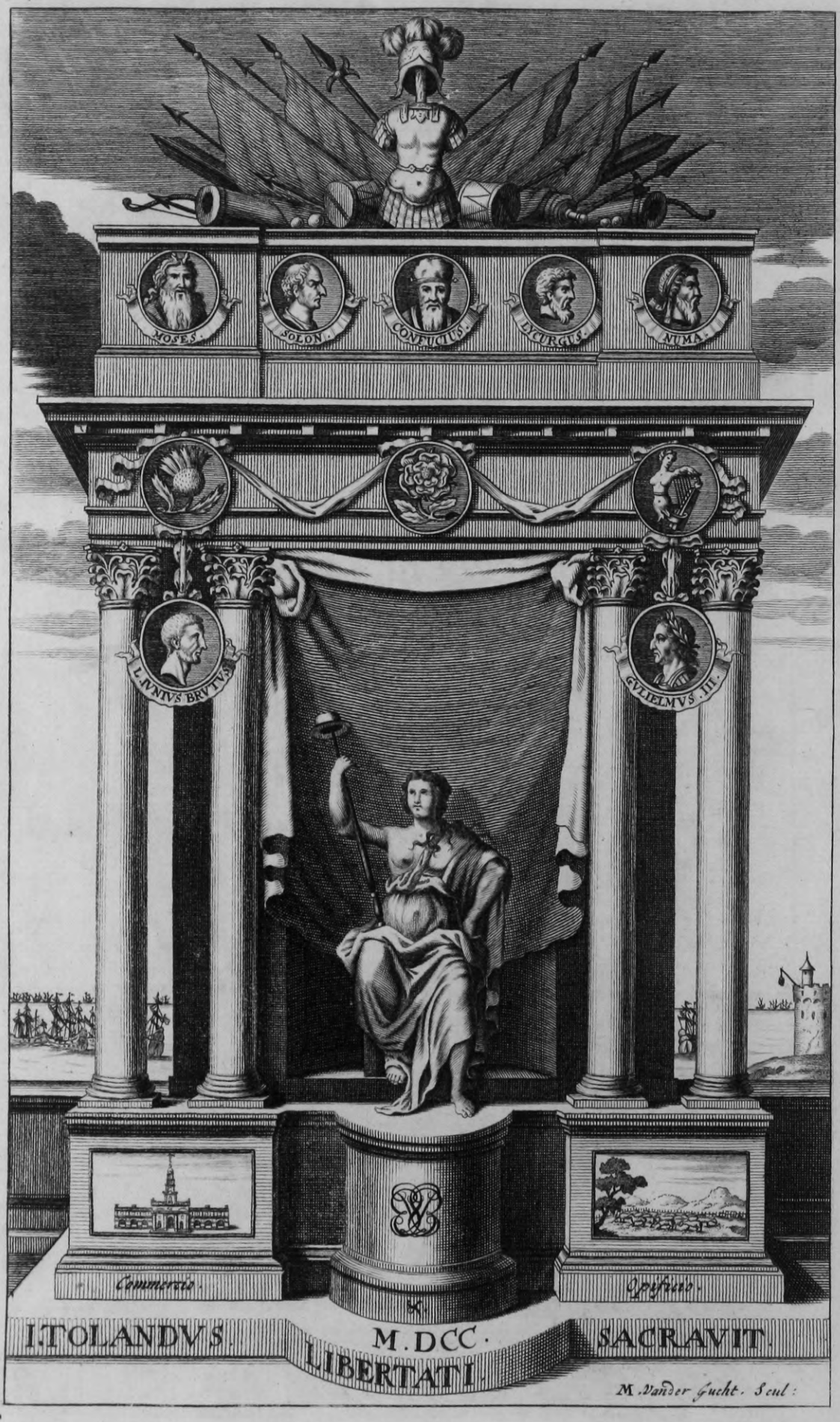

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THE

OCEANA

AND

OTHER WORKS

OF

James Harrington Esq;

Collected, Methodiz'd, and Review'd,

WITH

An Exact Account of his LIFE

PREFIX'D,

By *JOHN TOLAND.*

To which is added,

An APPENDIX, containing all the Political Tracts wrote by this AUTHOR,

Omitted in Mr. TOLAND'S Edition.

RESPUBLICA *Res* est *Populi* cum benè ac justè geritur, sive ab uno Rege, sive a paucis Optimatibus, sive ab universo Populo. Cum vero injustus est Rex (quem Tyrannum voco) aut injusti Optimates (quorum Consensus Factio est) aut injustus ipse Populus (cui nomen usitatum nullum reperio, nisi ut ipsum Tyrannum appellem) non jam vitiosa sed omnino nulla Respublica est, quoniam non RES est POPULI cum Tyrannus eam Factióve capessat; nec ipse Populus jam Populus est si sit injustus, quoniam non est Multitudo Juris consensu & Utilitatis communione sociata.

Fragmentum Ciceronis ex lib. 3. de Republica, apud Augustin. de Civ, Dei, l. 2. c. 21.

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Rec.
Regent R. L. Hubbard
11-16-1925

TO THE

LORD MAYOR, ALDERMEN, SHERIFS,

AND

COMMON COUNCIL

OF

LONDON.

IT is not better known to you, moſt worthy Magiſtrats, that Government is the preſerving Cauſe of all Societys, than that every Society is in a languiſhing or flouriſhing condition, anſwerable to the particular Conſtitution of its Government: And if the Goodneſs of the Laws in any place be thus diſtinguiſhable by the Happineſs of the People, ſo the Wiſdom of the People is beſt diſcern'd by the Laws they have made, or by which they have choſen to be govern'd. The truth of theſe Obſervations is no where more conſpicuous than in the preſent State of that moſt Antient and Famous Society you have the honor to rule, and which reciprocally injoys the chearful influence of your Adminiſtration. 'Tis ſolely to its Government that *London* ows being univerſally acknowleg'd the largeſt, faireſt, richeſt, and moſt populous City in the World; all which glorious Attributes could have no Foundation in Hiſtory or Nature, if it were not likewiſe the moſt Free. 'Tis confeſt indeed that it derives infinite Advantages above other

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places from its incomparable Situation, as being an inland City, ſeated in the middle of a Vale no leſs delicious than healthy, and on the Banks of a Noble River, in reſpect of which (if we regard how many ſcore Miles it is navigable, the clearneſs and depth of its Channel, or its ſmooth and even Courſe) the *Seine* is but a Brook, and the celebrated *Tyber* it ſelf a Rivulet: Yet all this could never raiſe it to any conſiderable pitch without the ineſtimable Bleſſings of LIBERTY, which has choſen her peculiar Reſidence, and more eminently fixt her Throne in this place. LIBERTY is the true Spring of its prodigious Trade and Commerce with all the known parts of the Univerſe, and is the original Planter of its many fruitful Colonys in *America*, with its numberleſs Factorys in *Europe*, *Aſia*, and *Africa*: hence it is that every Sea is cover'd with our Ships, that the very Air is ſcarce exemted from our Inventions, and that all the Productions of Art or Nature are imported to this common Storehouſe of Mankind; or rather as if the whole Variety of things wherwith the Earth is ſtockt had bin principally deſign'd for our profit or delight, and no more of 'em allow'd to the reſt of Men, than what they muſt neceſſarily uſe as our Purveyors or Laborers. As LIBERTY has elevated the native Citizens of *London* to ſo high a degree of Riches and Politeneſs, that for their ſtately Houſes, fine Equipages, and ſumtuous Tables, they excede the Port of ſom Foren Princes; ſo is it naturally becom every Man's Country, and the happy Refuge of thoſe in all Nations, who prefer the ſecure injoyment of Life and Property to the glittering pomp and ſlavery, as well as to the arbitrary luſt and rapine of their ſeveral Tyrants. To the ſame Cauſe is owing the Splendor and Magnificence of the public Structures, as Palaces, Temples, Halls, Colleges, Hoſpitals, Schools, Courts of Judicature, and a great many others of all kinds, which, tho ſingly excel'd where the Wealth or State of any Town cannot reach further than one Building, yet, taking them all together, they are to be equal'd no where beſides. The delicat Country Seats, and the large Villages crouded on all hands around it, are manifeſt Indications how happily the Citizens live, and makes a Stranger apt to believe himſelf in the City before he approaches it by ſom miles. Nor is it to the felicity of the preſent times that *London* is only indebted:

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debted : for in all Ages, and under all Changes, it ever ſhew'd a moſt paſſionat love of LIBERTY, which it has not more bravely preſerv'd than wiſely manag'd, infuſing the ſame Genius into all quarters of the Land, which are influenc'd from hence as the ſeveral parts of the Animal Body are duly ſupply'd with Blood and Nouriſhment from the Heart. Whenever therfore the execrable deſign was hatcht to inſlave the Inhabitants of this Country, the firſt Attemts were ſtill made on the Government of the City, as there alſo the ſtrongeſt and moſt ſucceſsful Efforts were firſt us'd to reſtore Freedom : for we may remember (to name one inſtance for all) when the late King was fled, and every thing in confuſion, that then the chief Nobility and Gentry reſorted to *Guildhall* for protection, and to concert proper methods for ſettling the Nation hereafter on a Baſis of Liberty never to be ſhaken. But what greater Demonſtration can the World require concerning the Excellency of our National Government, or the particular Power and Freedom of this City, than the BANK of *England*, which, like the Temple of SATURN among the *Romans*, is eſteem'd ſo ſacred a Repoſitory, that even Foreners think their Treaſure more ſafely lodg'd there than with themſelves at home ; and this not only don by the Subjects of Abſolute Princes, where there can be no room for any Public Credit, but likewiſe by the Inhabitants of thoſe Commonwealths where alone ſuch Banks were hitherto reputed ſecure. I am the more willing to make this Remark, becauſe the Conſtitution of our Bank is both preferable to that of all others, and comes the neareſt of any Government to HARRINGTON's Model. In this reſpect a particular Commendation is due to the City which produc'd ſuch Perſons to whoſe wiſdom we owe ſo beneficial an Eſtabliſhment : and therfore from my own ſmall obſervation on Men or Things I fear not to propheſy, that, before the term of years be expir'd to which the Bank is now limited, the deſires of all people will gladly concur to have it render'd perpetual. Neither is it one of the laſt things on which you ought to value your ſelves, moſt worthy Citizens, that there is ſcarce a way of honoring the Deity known any where, but is either already allow'd, or may be ſafely exercis'd among you ; Toleration being only deny'd to immoral Practices, and the Opi-

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nions of Men b eing left as free to them as their Poſſeſſions, excepting only POPERY, and ſuch other Rites and Notions as directly tend to diſturb or diſſolve Society. Beſides the political Advantages of Union, Wealth, and numbers of People, which are the certain Conſequents of this impartial Liberty, 'tis alſo highly congruous to the nature of true Religion; and if any thing on Earth can be imagin'd to ingage the Intereſt of Heaven, it muſt be ſpecially that which procures it the ſincere and voluntary reſpect of Mankind. I might here diſplay the Renown of the City for Military Glory, and recite thoſe former valiant Atchievments which our Hiſtorians carefully record; but I ſhould never finiſh if I inlarg'd on thoſe things which I only hint, or if I would mention the extraordinary Privileges which *London* now injoys, and may likely poſſeſs hereafter, for which ſhe well deſerves the name of a *New Rome in the Weſt*, and, like the old one, to becom the Soverain Miſtreſs of the Univerſe.

THE Government of the City is ſo wiſely and completely contriv'd, that HARRINGTON made very few Alterations in it, tho in all the other parts of our National Conſtitution he ſcarce left any thing as he found it. And without queſtion it is a moſt excellent Model. The Lord Mayor, as to the Solemnity of his Election, the Magnificence of his State, or the Extent of his Authority, tho inferior to a *Roman* Conſul (to whom in many reſpects he may be fitly compar'd) yet he far outſhines the figure made by an *Athenian Archon*, or the grandeur of any Magiſtrat preſiding over the beſt Citys now in the World. During a vacancy of the Throne he is the chief Perſon in the Nation, and is at all times veſted with a very extraordinary Truſt, which is the reaſon that this Dignity is not often confer'd on undeſerving Perſons; of which we need not go further for an Inſtance than the Right Honorable Sir RICHARD LEVET, who now ſo worthily fills that eminent Poſt, into which he was not more freely choſen by the Suffrages of his Fellowcitizens, than he continues to diſcharge the Functions of it with approv'd Moderation and Juſtice. But of the great Caution generally us'd in the choice of Magiſtrats, we may give a true judgment by the preſent Worſhipful Sherifs, Sir CHARLES DUNCOMB and Sir JEFFERY JEFFERIES, who are not the Creatures of petty Factions and Cabals,

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nor (as in the late Reigns) illegally obtruded on the City to ſerve a Turn for the Court, but unanimouſly elected for thoſe good Qualitys which alone ſhould be the proper Recommendations to Magiſtracy; that as having the greateſt Stakes to loſe they will be the more concern'd for ſecuring the Property of others, ſo their willingneſs to ſerve their Country is known not to be inferior to their Zeal for King WILLIAM; and while they are, for the Credit of the City, generouſly equalling the Expences of the *Roman Prætors*, ſuch at the ſame time is their tender care of the Diſtreſt, as if to be Overſeers of the Poor were their ſole and immediat Charge. As the Common Council is the Popular Repreſentative, ſo the Court of Aldermen is the Ariſtocratical Senat of the City. To enter on the particular Merits of thoſe Names who compoſe this illuſtrious Aſſembly, as it muſt be own'd by all to be a labor no leſs arduous than extremely nice and invidious, yet to paſs it quite over in ſuch a manner as not to give at leaſt a Specimen of ſo much Worth, would argue a puſillanimity inconſiſtent with LIBERTY, and a diſreſpect to thoſe I wou'd be always underſtood to honor. In regard therfore that the eldeſt Alderman is the ſame at *London* with what the Prince of the Senat was at *Rome*, I ſhall only preſume to mention the Honorable Sir ROBERT CLAYTON as well in that capacity, as by reaſon he univerſally paſſes for the perfect pattern of a good Citizen. That this Character is not exaggerated will be evident to all thoſe who conſider him, either as raiſing a plentiful Fortune by his Induſtry and Merit, or as diſpoſing his Eſtate with no leſs liberality and judgment than he got it with honeſty and care: For as to his public and privat Donations, and the proviſion he has made for his Relations or Friends, I will not ſay that he is unequal'd by any, but that he deſerves to be imitated by all. Yet theſe are ſmall Commendations if compar'd to his ſteddy Conduct when he ſupply'd the higheſt Stations of this Great City. The danger of defending the Liberty of the Subject in thoſe calamitous times is not better remember'd than the courage with which he acted, particularly in bringing in the Bill for excluding a Popiſh Succeſſor from the Crown, his brave appearance on the behalf of your Charter, and the general applauſe with which he diſcharg'd his Truſt

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in all other reſpects; nor ought the Gratitude of the People be forgot, who on this occaſion firſt ſtil'd him *the Father of the City*, as CICERO for the like reaſon was the firſt of all *Romans* call'd *the Father of his Country*. That he ſtill aſſiſts in the Government of *London* as eldeſt Alderman, and in that of the whole Nation as a member of the high Court of Parlament, is not ſo great an honor as that he deſerves it; while the Poſterity of thoſe Familys he ſupports, and the memory of his other laudable Actions, will be the living and eternal Monuments of his Virtue, when time has conſum'd the moſt durable Braſs or Marble.

TO whom therfore ſhou'd I inſcribe a Book containing the Rules of good Polity, but to a Society ſo admirably conſtituted, and producing ſuch Great and Excellent Men? That elſewhere there may be found who underſtand Government better, diſtribute Juſtice wiſer, or love Liberty more, I could never perſuade myſelf to imagin: nor can the Perſon wiſh for a nobler Addreſs, or the Subject be made happy in a more ſutable Patronage than THE SENAT AND PEOPLE OF *LONDON*; to whoſe uninterrupted increaſe of Wealth and Dignity, none can be a heartier Welwiſher, than the greateſt admirer of their Conſtitution and their moſt humble Servant,

JOHN TOLAND.

THE

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THE PREFACE.

HOW allowable it is for any man to write the Hiſtory of another, without intitling himſelf to his Opinions, or becoming anſwerable for his Actions, I have expreſly treated in the Life of JOHN MILTON, *and in the juſt defence of the ſame under the Title of* AMYNTOR. *The Reaſons there alleg'd are Excuſe and Authority enough for the Taſk I have ſince impos'd on my ſelf, which is, to tranſmit to Poſterity the worthy Memory of* JAMES HARRINGTON, *a bright Ornament to uſeful Learning, a hearty Lover of his Native Country, and a generous Benefactor to the whole World; a Perſon who obſcur'd the falſe Luſtre of our Modern Politicians, and that equal'd (if not exceded) all the Antient Legiſlators.*

BUT there are ſom People more formidable for their Noiſe than Number, and for their Number more conſiderable than their Power, who will not fail with open mouths to proclaim that this is a ſeditious Attemt againſt the very being of Monarchy, and that there's a pernicious deſign on foot of ſpeedily introducing a Republican Form of Government into the Britannic *Iſlands; in order to which the Perſon (continue they) whom we have for ſom time diſtinguiſht as a zealous promoter of this Cauſe, has now publiſht the Life and Works of* HARRINGTON, *who was the greateſt Commonwealthſman in the World. This is the ſubſtance of what theſe roaring and hoarſe Trumpeters of Detraction will ſound; for what's likely to be ſaid by men, who talk all by rote, is as eaſy to gueſs as to anſwer, tho 'tis commonly ſo ſilly as to deſerve no Animadverſion. Thoſe who in the late Reigns were invidiouſly nicknam'd* Commonwealthſmen, *are by this time ſufficiently clear'd of that Imputation by their Actions, a much better Apology than any Words: for they valiantly reſcu'd our antient Government from the devouring Jaws of Arbitrary Power, and did not only unanimouſly concur to fix the Imperial Crown of* England *on the moſt deſerving Head in the Univerſe, but alſo ſettl'd the Monarchy for the future, not as if they intended to bring it ſoon to a period, but under ſuch wiſe Regulations as are moſt likely to continue it for ever, conſiſting of ſuch excellent Laws as indeed ſet bounds to the Will of the King, but that render him thereby the more ſafe, equally binding up his and the Subjects hands from unjuſtly ſeizing one another's preſcrib'd Rights or Privileges.*

'TIS confeſt, that in every Society there will be always found ſom Perſons prepar'd to enterprize any thing (tho never ſo flagitious) grown deſperat by their Villanies, their Profuſeneſs, their Ambition, or the more raging madneſs of Superſtition; and this Evil is not within the compaſs of Art or Nature to remedy. But that a whole People, or any conſiderable number of them, ſhou'd rebel againſt a King that well and wiſely adminiſters his Government, as it cannot be inſtanc'd out of any Hiſtory, ſo it is a thing in it ſelf impoſſible. An infallible Expedient therfore to exclude a Commonwealth, is for the King to be the Man of his People, and, according

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cording to his preſent Majeſty's glorious Example, to find out the Secret of ſo happily uniting two ſeemingly incompatible things, Principality and Liberty.

'TIS ſtrange that men ſhou'd be cheated by mere Names! yet how frequently are they ſeen to admire under one denomination, what going under another they wou'd undoubtedly deteſt; which Obſervation made TACITUS *lay down for a Maxim, That* the ſecret of ſetting up a new State conſiſts in retaining the Image of the old. *Now if a Commonwealth be a Government of Laws enacted for the common Good of all the People, not without their own Conſent or Approbation; and that they are not wholly excluded, as in abſolute Monarchy, which is a Government of Men who forcibly rule over others for their own private Intereſt: Then it is undeniably manifeſt that the* Engliſh *Government is already a Commonwealth, the moſt free and beſt conſtituted in all the world. This was frankly acknowleg'd by King* JAMES *the Firſt, who ſtiled himſelf* the Great Servant of the Commonwealth. *It is the Language of our beſt Lawyers, and allow'd by our Author, who only makes it a leſs perfect and more inequal Form than that of his* Oceana, *wherin, he thinks, better proviſion is made againſt external Violence or internal Diſeaſes. Nor dos it at all import by what names either Perſons, or Places, or Things are call'd, ſince the Commonwealthſman finds he injoys Liberty under the ſecurity of equal Laws, and that the reſt of the Subjects are fully ſatisfy'd they live under a Government which is a Monarchy in effect as well as in name. There's not a man alive that excedes my affection to a mixt Form of Government by the Antients counted the moſt perfect; yet I am not ſo blinded with admiring the good Conſtitution of our own, but that every day I can diſcern in it many things deficient, ſom things redundant, and others that require emendation or change. And of this the ſupreme Legiſlative Powers are ſo ſenſible, that we ſee nothing more frequent with them than the enacting, abrogating, explaining, and altering of Laws, with regard to the very Form of the Adminiſtration. Nevertheleſs I hope the King and both Houſes of Parlament will not be counted Republicans; or, if they be, I am the readieſt in the world to run the ſame good or bad Fortune with them in this as well as in all other reſpects.*

BUT, what HARRINGTON *was oblig'd to ſay on the like occaſion, I muſt now produce for my ſelf. It was in the time of* ALEXANDER, *the greateſt Prince and Commander of his Age, that* ARISTOTLE *(with ſcarce inferior Applauſe, and equal Fame) wrote that excellent piece of Prudence in his Cloſet which is call'd his* Politics, *going upon far other Principles than* ALEXANDER's *Government which it has long outliv'd. The like did* LIVY *without diſturbance in the time of* AUGUSTUS, *Sir* THOMAS MORE *in that of* HENRY *the Eighth, and* MACHIAVEL *when* Italy *was under Princes that afforded him not the ear. If theſe and many other celebrated Men wrote not only with honor and ſafety, but even of Commonwealths under Deſpotic or Tyrannical Princes, who can be ſo notoriouſly ſtupid as to wonder that in a free Government, and under a King that is both the reſtorer and ſupporter of the Liberty of* Europe, *I ſhou'd do juſtice to an Author who far outdos all that went before him, in his exquiſit knowlege of the Politics?*

THIS Liberty of writing freely, fully, and impartially, is a part of thoſe Rights which in the laſt Reigns were ſo barbarouſly invaded by ſuch as had no inclination to hear of their own enormous violations of the Laws of God and Man; nor is it undeſervi ng Obſervation, that ſuch as raiſe

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the loudeſt Clamors againſt it now, are the known Enemys of King WILLIAM's *Title and Perſon, being ſure that the Abdicated King* JAMES *can never be reinthron'd ſo long as the Preſs is open for brave and free Spirits to diſplay the Miſchiefs of Tyranny in their true Colors, and to ſhew the infinit Advantages of Liberty. But not to diſmiſs even ſuch unreaſonable People without perfect ſatisfaction, let 'em know that I don't recommend a Commonwealth, but write the Hiſtory of a Commonwealthſman, fairly divulging the Principles and Pretences of that Party, and leaving every body to approve or diſlike what he pleaſes, without impoſing on his Judgment by the deluding Arts of Sophiſtry, Eloquence, or any other ſpecious but unfair methods of perſuaſion. Men, to the beſt of their ability, ought to be ignorant of nothing; and while they talk ſo much for and againſt a Commonwealth, 'tis fit they ſhou'd at leaſt underſtand the Subject of their Diſcourſe, which is not every body's caſe. Now as* HARRINGTON's Oceana *is, in my opinion, the moſt perfect Form of Popular Government that ever was: ſo this, with his other Writings, contain the Hiſtory, Reaſons, Nature, and Effects of all ſorts of Government, with ſo much Learning and Perſpicuity, that nothing can be more preferably read on ſuch occaſions.*

LET not thoſe therfore, who make no oppoſition to the reprinting or reading of PLATO's *Heathen Commonwealth, ridiculouſly declaim againſt the better and Chriſtian Model of* HARRINGTON; *but peruſe both of 'em with as little prejudice, paſſion, or concern, as they would a Book of Travels into the* Indys *for their improvement and diverſion. Yet ſo contrary are the Tempers of many to this equitable diſpoſition, that* DIONYSIUS *the* Sicilian *Tyrant, and ſuch Beaſts of Prey, are the worthy Examples they wou'd recommend to the imitation of our Governors, tho, if they cou'd be able to perſuade 'em, they wou'd ſtill miſs of their fooliſh aim: for it is ever with all Books, as formerly with thoſe of* CREMUTIUS CORDUS, *who was condemn'd by that Monſter* TIBERIUS *for ſpeaking honorably of the immortal Tyrannicides* BRUTUS *and* CASSIUS. TACITUS *records the laſt words of this Hiſtorian, and ſubjoins this judicious Remark:* The Senat, *ſays he,* order'd his Books to be burnt by the Ediles; but ſom Copys were conceal'd, and afterwards publiſh'd; whence we may take occaſion to laugh at the ſottiſhneſs of thoſe who imagin that their preſent Power can alſo aboliſh the memory of ſucceding time: for on the contrary, Authors acquire additional Reputation by their Puniſhment; nor have Foren Kings, and ſuch others as have us'd the like ſeverity, got any thing by it, except to themſelves Diſgrace, and Glory to the Writers. *But the Works of* HARRINGTON *were neither ſuppreſt at their firſt Publication under the Uſurper, nor ever ſince call'd in by lawful Authority, but as ineſtimable Treaſures preſerv'd by all that had the happineſs to poſſeſs 'em intire; ſo that what was a precious rarity before, is now becom a Public Good, with extraordinary advantages of Correctneſs, Paper, and Print. What I have perform'd in the Hiſtory of his Life, I leave the Readers to judg for themſelves; but in that and all my other ſtudys, I conſtantly aim'd as much at leaſt at the benefit of Mankind, and eſpecially of my fellow Citizens, as at my own particular Entertainment or Reputation.*

THE Politics, no leſs than Arms, are the proper ſtudy of a Gentleman, tho he ſhou'd confine himſelf to nothing, but carefully adorn his Mind and Body with all uſeful and becoming Accompliſhments; and not imitat the ſervile drudgery of thoſe mean Spirits, who, for the ſake of

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ſom one Science, neglect the knowlege of all other matters, and in the end are many times neither maſters of what they profeſs, nor vers'd enough in any thing elſe to ſpeak of it agreably or pertinently: which renders 'em untractable in Converſation, as in Diſpute they are opinionative and paſſionat, envious of their Fame who eclipſe their littleneſs, and the ſworn Enemys of what they do not underſtand.

BUT Heaven be duly prais'd, Learning begins to flouriſh again in its proper Soil among our Gentlemen, in imitation of the Roman *Patricians, who did not love to walk in Leading ſtrings, and to be guided blindfold, nor lazily to abandon the care of their proper Buſineſs to the management of Men having a diſtinct Profeſſion and Intereſt: for the greateſt part of their beſt Authors were Perſons of Conſular Dignity, the ableſt Stateſmen, and the moſt gallant Commanders. Wherfore the ampleſt ſatisfaction I can injoy of this ſort will be, to find thoſe delighted with reading this work, for whoſe ſervice it was intended by the Author; and which with the ſtudy of other good Books, but eſpecially a careful peruſal of the* Greec *and* Roman *Hiſtorians, will make 'em in reality deſerve the Title and Reſpect of Gentlemen, help 'em to make an advantageous Figure in their own time, and perpetuat their illuſtrious Fame and ſolid Worth to be admir'd by future Generations.*

AS for my ſelf, tho no imployment or condition of Life ſhall make me diſreliſh the laſting entertainment which Books afford; yet I have reſolv'd not to write the Life of any modern Perſon again, except that only of one Man ſtill alive, and whom in the ordinary courſe of Nature I am like to ſurvive a long while, he being already far advanc'd in his declining time, and I but this preſent day beginning the thirtieth year of my Age.

Canon *near* Banſtead, Novemb. 30. 1699.

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THE LIFE OF James Harrington.

1. JAMES HARRINGTON (who was born in *January* 1611) was deſcended of an Antient and Noble Family in *Rutlandſhire*, being Great Grandſon to Sir JAMES HARRINGTON; of whom it is obſerv'd by the * Hiſtorian of that County, that there were ſprung in his time eight Dukes, three Marquiſſes, ſeventy Earls, twenty ſeven Viſcounts, and thirty ſix Barons; of which number ſixteen were Knights of the Garter: to confirm which account, we ſhall annex a Copy of the Inſcription on his Monument and that of his three Sons at *Exton*, with Notes on the ſame by an uncertain hand. As for our Author, he was the eldeſt Son of Sir SAPCOTES HARRINGTON, and JANE the Daughter of Sir WILLIAM SAMUEL of *Upton* in *Northamtonſhire*. His Father had Children beſides him, WILLIAM a Merchant in *London*; ELIZABETH marry'd to Sir RALPH ASHTON in *Lancaſhire*, Baronet; ANN marry'd to ARTHUR EVELYN Eſq. And by a ſecond Wife he had JOHN kill'd at Sea; EDWARD a Captain in the Army, yet living; FRANCES marry'd to JOHN BAGSHAW of *Culworth* in *Northamtonſhire* Eſq; and DOROTHY marry'd to ALLAN BELLINGHAM of *Levens* in *Weſtmorland* Eſq. This Lady is ſtill alive, and, when ſhe underſtood my Deſign, was pleas'd to put me in poſſeſſion of all the remaining Letters, and other Manuſcript Papers of her Brother, with the Collections and Obſervations relating to him, made by his other Siſter the Lady ASHTON, a Woman of very extraordinary Parts and Accompliſhments. Theſe, with the Account given of him by ANTHONY WOOD in the ſecond Volum of his *Athenæ Oxonienſes*, and what I cou'd learn from the Mouths of his ſurviving Acquaintance, are the Materials wherof I compos'd this inſuing Hiſtory of his Life.

* Wright's *Antiquitys of the County of* Rutland. *p.* 52.

2. IN his very Childhood he gave ſure hopes of his future Abilitys, as well by his Inclination and Capacity to learn whatever

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was propos'd to him, as by a kind of natural gravity; whence his Parents and Maſters were wont to ſay, That he rather kept them in aw, than needed their correction: yet when grown a Man, none could eaſily ſurpaſs him for quickneſs of Wit, and a moſt facetious Temper. He was enter'd a Gentleman Commoner of *Trinity College* in *Oxford* in the year 1629, and became a Pupil to that great Maſter of Reaſon Dr. CHILLINGWORTH, who diſcovering the Errors, Impoſtures, and Tyranny of the *Popiſh* Church (wherof he was for ſome time a Member) attackt it with more proper and ſucceſsful Arms than all before, or perhaps any ſince have don. After conſiderably improving his Knowlege in the Univerſity, he was more particularly fitting himſelf for his intended Travels, by learning ſeveral Foren Languages, when his Father dy'd, leaving him under Age. Tho the Court of Wards was ſtill in being, yet by the Soccage Tenure of his Eſtate he was at liberty to chuſe his own Guardian; and accordingly pitch'd upon his Grandmother the Lady SAMUEL, a Woman eminent for her Wiſdom and Virtue. Of her and the reſt of his Governors, he ſoon obtain'd a permiſſion to ſatisfy his eager deſire of ſeeing ſom other parts of the World, where he could make ſuch Obſervations on Men and Manners, as might beſt fit him in due time to ſerve and adorn his Native Country.

3. HIS firſt ſtep was into *Holland*, then the principal School of Martial Diſciplin, and (what toucht him more ſenſibly) a place wonderfully flouriſhing under the influence of their Liberty which they had ſo lately aſſerted, by breaking the Yoke of a ſevere Maſter, the *Spaniſh* Tyrant. And here, no doubt, it was that he begun to make Government the Subject of his Meditations: for he was often heard to ſay, that, before he left *England*, he knew no more of Monarchy, Anarchy, Ariſtocracy, Democracy, Oligarchy, or the like, than as hard words wherof he learnt the ſignification in his Dictionary. For ſome months he liſted himſelf in my Lord CRAVEN's Regiment and Sir ROBERT STONE's; during which time being much at the *Hague*, he had the opportunity of further accompliſhing himſelf in two Courts, namely thoſe of the Prince of *Orange*, and the Queen of *Bohemia*, the Daughter of our K. JAMES I. then a Fugitive in *Holland*, her Huſband having bin abandon'd by his Father in Law, betray'd by the King of *Spain*, and ſtript of all his Territorys by the Emperor. This excellent Princeſs entertain'd him with extraordinary favor and civility on the account of his Uncle the Lord HARRINGTON, who had bin her Governor; but particularly for the ſake of his own Merit. The Prince Elector alſo courted him into his Service, ingag'd him to attend him in a Journy he made to the Court of *Denmark*, and, after his return from travelling, committed the chief management of all his Affairs in *England* to his care. Nor were the young Princeſſes leſs delighted with his Company, his Converſation being always extremely pleaſant, as well as learned and polite; to which good qualitys thoſe unfortunat Ladys were far from being ſtrangers, as appears by the Letters of the great Philoſopher CARTESIUS, and by the other Writers of thoſe times.

4. THO he found many Charms inviting his longer ſtay in this place, yet none were ſtrong enough to keep him from purſuing his main deſign of travelling; and therfore he went next thro *Flanders* into *France*, where having perfected himſelf in the Language, ſeen what

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deſerv'd his curioſity, and made ſuch Remarks on their Government as will beſt appear in his Works, he remov'd thence into *Italy*. It happen'd to be then (as it is now) the Year of *Jubilee*. He always us'd to admire the great dexterity wherwith the *Popiſh* Clergy could maintain their ſevere Government over ſo great a part of the World, and that Men otherwiſe reaſonable enough ſhould be inchanted out of their Senſes, as well as cheated out of their Mony, by theſe ridiculous Tricks of Religious Pageantry. Except the ſmall reſpect he ſhew'd to the Miracles they daily told him were perform'd in their Churches, he did in all other things behave himſelf very prudently and inoffenſively. But going on a *Candlemas* day with ſeveral other Proteſtants, to ſee the Pope perform the Ceremony of conſecrating Wax Lights; and perceiving that none could obtain any of thoſe Torches, except ſuch as kiſt the Pope's To (which he expos'd to 'em for that purpoſe) tho he had a great mind to one of the Lights, yet he would not accept it on ſo hard a condition. The reſt of his Companions were not ſo ſcrupulous, and after their return complain'd of his ſqueamiſhneſs to the King; who telling him he might have don it only as a reſpect to a temporal Prince, he preſently reply'd, that ſince he had the honor to kiſs his Majeſty's hand, he thought it beneath him to kiſs any other Prince's foot. The King was pleaſed with his Anſwer, and did afterwards admit him to be one of his Privy Chamber extraordinary, in which quality he attended him in his firſt Expedition againſt the *Scots*.

5. HE prefer'd *Venice* to all other places in *Italy*, as he did its Government to all thoſe of the whole World, it being in his Opinion immutable by any external or internal Cauſes, and to finiſh only with Mankind; of which Aſſertion you may find various proofs alleg'd in his Works. Here he furniſh'd himſelf with a Collection of all the valuable Books in the *Italian* Language, eſpecially treating of Politics, and contracted acquaintance with every one of whom he might receive any benefit by inſtruction or otherwiſe.

6. AFTER having thus ſeen *Italy*, *France*, the *Low Countrys*, *Denmark*, and ſom parts of *Germany*, he return'd home into *England*, to the great joy of all his Friends and Acquaintance. But he was in a ſpecial manner the Darling of his Relations, of whom he acknowleg'd to receive reciprocal ſatisfaction. His Brothers and Siſters were now pretty well grown, which made it his next care ſo to provide for each of 'em as might render 'em independent of others, and eaſy to themſelves. His Brother WILLIAM he bred to be a Merchant, in which calling he became a conſiderable Man; he was a good Architect, and was ſo much notic'd for his ingenious Contrivances, that he was receiv'd a Fellow of the Royal Society. How his other Brothers were diſpos'd, we mention'd in the beginning of this Diſcourſe. He took all the care of a Parent in the Education of his Siſters, and wou'd himſelf make large Diſcourſes to 'em concerning the Reverence that was due to Almighty God; the benevolence they were oblig'd to ſhew all mankind; how they ought to furniſh their minds with knowlege by reading of uſeful Books, and to ſhew the goodneſs of their diſpoſition by a conſtant practice of Virtue: In a word, he taught 'em the true Rules of humanity and decency, always inculcating to 'em that good Manners did not ſo much conſiſt in a faſhionable carriage (which ought not to be neglected) as in becoming words and actions, an obliging addreſs, and a modeſt behavior. He treated his Mother in Law

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as if ſhe were his own, and made no diſtinction between her Children and the reſt of his Brothers and Siſters; which good Example had ſuch effects on 'em all, that no Family has bin more remarkable for their mutual friendſhip.

7. HE was of a very liberal and compaſſionat nature, nor could he indure to ſee a Friend want any thing he might ſpare; and when the Relief that was neceſſary exceded the bounds of his Eſtate, he perſuaded his Siſters not only to contribute themſelves, but likewiſe to go about to the reſt of their Relations to complete what was wanting. And if at any time they alleg'd that this Bounty had been thrown away on ungrateful Perſons, he would anſwer with a ſmile that he ſaw they were mercenary, and that they plainly ſold their Gifts ſince they expected ſo great a return as Gratitude.

8. HIS natural inclinations to ſtudy kept him from ſeeking after any public Imployments. But in the year 1646, attending out of curioſity the Commiſſioners appointed by Parlament to bring King CHARLES the Firſt from *Newcaſtle* nearer to *London*, he was by ſom of 'em nam'd to wait on his Majeſty, as a Perſon known to him before, and ingag'd to no Party or Faction. The King approv'd the Propoſal, yet our Author would never preſume to come into his preſence except in public, till he was particularly commanded by the King; and that he, with THOMAS HERBERT (created a Baronet after the Reſtoration of the Monarchy) were made Grooms of the Bedchamber at *Holmby*, together with JAMES MAXWELL and PATRICK MAULE (afterwards Earl of *Penmoore* in *Scotland*) which two only remain'd of his old Servants in that Station.

9. HE had the good luck to grow very acceptable to the King, who much convers'd with him about Books and Foren Countrys. In his Siſter's Papers I find it expreſt, that at the King's command he tranſlated into *Engliſh* Dr. SANDERSON's Book concerning the Obligation of Oaths: but ANTHONY WOOD ſays it was the King's own doing, and that he ſhew'd it at different times to HARRINGTON, HERBERT, Dr. JUXON, Dr. HAMMOND, and Dr. SHELDON, for their approbation. However that be, 'tis certain he ſerv'd his Maſter with untainted fidelity, without doing any thing inconſiſtent with the Liberty of his Country; and that he made uſe of his Intereſt with his Friends in Parlament to have Matters accommodated for the ſatisfaction of all Partys. During the Treaty in the *Iſle of Wight*, he frequently warn'd the Divines of his acquaintance to take heed how far they preſt the King to inſiſt upon any thing which, however it concern'd their Dignity, was no eſſential point of Religion; and that ſuch matters driven too far wou'd infallibly ruin all the indeavours us'd for a Peace, which Prophecy was prov'd too true by the Event. *His Majeſty lov'd his company*, ſays ANTHONY WOOD, *and, finding him to be an ingenious Man, choſe rather to converſe with him than with others of his Chamber: They had often diſcourſes concerning Government; but when they happen'd to talk of a Commonwealth, the King ſeem'd not to indure it.* Here I know not which moſt to commend, the King for truſting a Man of Republican Principles, or HARRINGTON for owning his Principles while he ſerv'd a King.

10. AFTER the King was remov'd out of the *Iſle of Wight* to *Hurſtcaſtle* in *Hampſhire*, HARRINGTON was forcibly turn'd out of ſervice, becauſe he vindicated ſom of his Majeſty's Arguments againſt

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againſt the Parlament Commiſſioners at *Newport*, and thought his Conceſſions not ſo unſatisfactory as did ſom others. As they were taking the King to *Windſor*, he beg'd admittance to the Boot of the Coach that he might bid his Maſter farewel; which being granted, and he preparing to kneel, the King took him by the hand and pull'd him in to him. He was for three or four days permitted to ſtay; but becauſe he would not take an Oath againſt aſſiſting or concealing the King's Eſcape, he was not only diſcharg'd from his Office, but alſo for ſom time detain'd in cuſtody, till Major General IRETON obtain'd his Liberty. He afterwards found means to ſee the King at St. *James*'s, and accompany'd him on the Scaffold, where, or a little before, he receiv'd a Token of his Majeſty's Affection.

II. AFTER the King's Death he was obſerv'd to keep much in his Library, and more retir'd than uſually, which was by his Friends a long time attributed to Melancholy or Diſcontent. At length when they weary'd him with their importunitys to change this ſort of Life, he thought fit to ſhew 'em at the ſame time their miſtake and a Copy of his *Oceana*, which he was privatly writing all that while: telling 'em withal, that ever ſince he began to examin things ſeriouſly, he had principally addicted himſelf to the ſtudy of Civil Government, as being of the higheſt importance to the Peace and Felicity of mankind; and that he ſucceded at leaſt to his own ſatisfaction, being now convinc'd that no Government is of ſo accidental or arbitrary an Inſtitution as People are wont to imagin, there being in Societys natural cauſes producing their neceſſary effects, as well as in the Earth or the Air. Hence he frequently argu'd that the Troubles of his time were not to be wholly attributed to wilfulneſs or faction, neither to the miſgovernment of the Prince, nor the ſtubborneſs of the People; but to change in the Balance of Property, which ever ſince HENRY the Seventh's time was daily falling into the Scale of the Commons from that of the King and the Lords, as in his Book he evidently demonſtrats and explains. Not that hereby he approv'd either the Breaches which the King had made on the Laws, or excus'd the Severity which ſom of the Subjects exercis'd on the King; but to ſhew that as long as the Cauſes of theſe Diſorders remain'd, ſo long would the like Effects unavoidably follow: while on the one hand a King would be always indeavoring to govern according to the example of his Predeceſſors when the beſt part of the National Property was in their own hands, and conſequently the greateſt Command of Mony and Men, as one of a thouſand pounds a year can entertain more Servants, or influence more Tenants than another that has but one hundred, out of which he cannot allow one Valet; and on the other hand he ſaid, the People would be ſure to ſtruggle for preſerving the Property wherof they were in poſſeſſion, never failing to obtain more Privileges, and to inlarge the Baſis of their Liberty, as often as they met with any ſucceſs (which they generally did) in quarrels of this kind. His chief aim therfore was to find out a method of preventing ſuch Diſtempers, or to apply the beſt Remedys when they happen'd to break out. But as long as the Balance remain'd in this unequal ſtate, he affirm'd that no King whatſoever could keep himſelf eaſy, let him never ſo much indeavor to pleaſe his People; and that tho a good King might manage Affairs tolerably well during his life, yet this did not prove the Government to be good, ſince under a leſs prudent Prince it would fall to

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pieces again, while the Orders of a well conſtituted State make wicked men virtuous, and fools to act wiſely.

12. THAT *Empire follows the Balance of Property*, whether lodg'd in one, in a few, or in many hands, he was the firſt that ever made out; and is a noble Diſcovery, wherof the Honor ſolely belongs to him, as much as thoſe of the Circulation of the Blood, of Printing, of Guns, of the Compaſs, or of optic Glaſſes, to the ſeveral Authors. 'Tis incredible to think what groſs and numberleſs Errors were committed by all the Writers before him, even by the beſt of them, for want of underſtanding this plain Truth, which is the foundation of all Politics. He no ſooner diſcours'd publicly of this new Doctrin, being a man of univerſal acquaintance, but it ingag'd all ſorts of people to buſy themſelves about it as they were variouſly affected. Som, becauſe they underſtood him, deſpis'd it, alleging it was plain to every man's capacity, as if his higheſt merit did not conſiſt in making it ſo. Others, and thoſe in number the feweſt, diſputed with him about it, merely to be better inform'd; with which he was well pleas'd, as reckoning a pertinent Objection of greater advantage to the diſcovery of Truth (which was his aim) than a complaiſant applauſe or approbation. But a third ſort, of which there never wants in all places a numerous company, did out of pure envy ſtrive all they could to leſſen or defame him; and one of 'em (ſince they could not find any precedent Writer out of whoſe Works they might make him a Plagiary) did endeavor, after a very ſingular manner, to rob him of the Glory of this Invention: for our Author having friendly lent him a part of his Papers, he publiſh'd a ſmall piece to the ſame purpoſe, intitled, *A Letter from an Officer of the Army in* Ireland, *&c.* Major WILDMAN was then reputed the Author by ſom, and HENRY NEVIL by others; which latter, by reaſon of this thing, and his great intimacy with HARRINGTON, was by his detractors reported to be the Author of his Works, or that at leaſt he had a principal hand in compoſing of them. Notwithſtanding which provocations, ſo true was he to the Friendſhip he profeſt to NEVIL and WILDMAN, that he avoided all harſh Expreſſions or public Cenſures on this occaſion, contenting himſelf with the Juſtice which the World was ſoon oblig'd to yield to him by reaſon of his other Writings, where no ſuch clubbing of Brains could be reaſonably ſuſpected.

13. BUT the publication of his Book met with greater difficultys from the oppoſition of the ſeveral Partys then ſet againſt one another, and all againſt him; but none more than ſom of thoſe who pretended to be for a Commonwealth, which was the ſpecious name under which they cover'd the rankeſt Tyranny of OLIVER CROMWEL, while HARRINGTON, like PAUL at *Athens*, indeavor'd to make known to the People what they ignorantly ador'd. By ſhewing that a Commonwealth was a Government of Laws, and not of the Sword, he could not but detect the violent adminiſtration of the Protector by his Baſhaws, Intendants, or Majors General, which created him no ſmall danger: while the Cavaliers on the other ſide tax'd him with Ingratitude to the memory of the late King, and prefer'd the Monarchy even of a Uſurper to the beſt order'd Commonwealth. To theſe he anſwer'd, that it was enough for him to forbear publiſhing his Sentiments during

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during that King's life; but the Monarchy being now quite diſiolv'd, and the Nation in a ſtate of Anarchy, or (what was worſe) groaning under a horrid Uſurpation, he was not only at liberty, but even oblig'd as a good Citizen to offer a helping hand to his Countrymen, and to ſhew 'em ſuch a Model of Government as he thought moſt conducing to their Tranquillity, Wealth and Power: That the Cavaliers ought of all People to be beſt pleas'd with him, ſince if his Model ſucceded, they were ſure to enjoy equal Privileges with others, and ſo be deliver'd from their preſent Oppreſſion; for in a well-conſtituted Commonwealth there can be no diſtinction of Partys, the paſſage to Preferment is open to Merit in all perſons, and no honeſt man can be uneaſy: but that if the Prince ſhould happen to be reſtor'd, his Doctrin of the Balance would be a light to ſhew him what and with whom he had to do, and ſo either to amend or avoid the Miſcarriages of his Father; ſince all that is ſaid of this doctrin may as well be accommodated to a Monarchy regulated by Laws, as to a Democracy or more popular form of a Commonwealth. He us'd to add on ſuch occaſions another reaſon of writing this Model, which was, That if it ſhould ever be the fate of this nation to be, like *Italy* of old, overrun by any barbarous People, or to have its Government and Records deſtroy'd by the rage of ſom mercileſs Conqueror, they might not be then left to their own Invention in framing a new Government; for few People can be expected to ſuccede ſo happily as the *Venetians* have don in ſuch a caſe.

14. IN the mean time it was known to ſom of the Courtiers, that the Book was a printing; wherupon, after hunting it from one Preſs to another, they ſeiz'd their Prey at laſt, and convey'd it to *Whitehall*. All the ſollicitations he could make were not able to relieve his Papers, till he remember'd that OLIVER's favorit Daughter, the Lady CLAYPOLE, acted the part of a Princeſs very naturally, obliging all perſons with her civility, and frequently interceding for the unhappy. To this Lady, tho an abſolute ſtranger to him, he thought fit to make his application; and being led into her Antichamber, he ſent in his Name, with his humble requeſt that ſhe would admit him to her preſence. While he attended, ſom of her Women coming into the room were follow'd by her little Daughter about three years old, who ſtaid behind them. He entertain'd the Child ſo divertingly, that ſhe ſuffer'd him to take her up in his arms till her Mother came; wherupon he ſtepping towards her, and ſetting the Child down at her feet, ſaid, Madam, 'tis well you are com at this nick of time, or I had certainly ſtolen this pretty little Lady. Stolen her, reply'd the Mother! pray, what to do with her? for ſhe is yet too young to becom your Miſtreſs. Madam, ſaid he, tho her Charms aſſure her of a more conſiderable Conqueſt, yet I muſt confeſs it is not love but revenge that promted me to commit this theft. Lord, anſwer'd the Lady again, what injury have I don you that you ſhould ſteal my Child? None at all, reply'd he, but that you might be induc'd to prevail with your Father to do me juſtice, by reſtoring my Child that he has ſtolen. But ſhe urging it was impoſſible, becauſe her Father had Children enough of his own; he told her at laſt it was the iſſue of his brain which was miſrepreſented to the Protector, and taken out of the Preſs by his order. She immediatly promis'd to procure it for him, if it contain'd nothing prejudicial to her Father's Government; and he aſſur'd her it was only a kind of a Political Romance, ſo far from any

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Treaſon againſt her Father, that he hop'd ſhe would acquaint him that he deſign'd to dedicat it to him, and promis'd that ſhe her ſelf ſhould be preſented with one of the firſt Copys. The Lady was ſo well pleas'd with his manner of Addreſs, that he had his Book ſpeedily reſtor'd to him; and he did accordingly inſcribe it to OLIVER CROMWEL, who, after the peruſal of it, ſaid, the Gentleman had like to trapan him out of his Power, but that what he got by the Sword he would not quit for a little paper Shot: adding in his uſual cant, that he approv'd the Government of a ſingle Perſon as little as any of 'em, but that he was forc'd to take upon him the Office of a High Conſtable, to preſerve the Peace among the ſeveral Partys in the Nation, ſince he ſaw that being left to themſelves, they would never agree to any certain form of Government, and would only ſpend their whole Power in defeating the Deſigns, or deſtroying the Perſons of one another.

15. BUT nothing in the world could better diſcover CROMWEL's Diſſimulation than this Speech, ſince HARRINGTON had demonſtrated in his Book, that no Commonwealth could be ſo eaſily or perfectly eſtabliſh'd as one by a ſole Legiſlator, it being in his power (if he were a man of good Invention himſelf, or had a good Model propos'd to him by others) to ſet up a Government in the whole piece at once, and in perfection; but an Aſſembly, being of better Judgment than Invention, generally make patching work in forming a Government, and are whole Ages about that which is ſeldom or never brought by 'em to any perfection; but is commonly ruin'd by the way, leaving the nobleſt Attemts under reproach, and the Authors of 'em expos'd to the greateſt dangers while they live, and to a certain infamy when dead. Wherfore the wiſeſt Aſſemblys, in mending or making a Government, have pitch'd upon a ſole Legiſlator, whoſe Model they could rightly approve, tho not ſo well digeſt; as Muſicians can play in conſort, and judg of an Air that is laid before them, tho to invent a part of Muſic they could never agree, nor ſuccede ſo happily as one Perſon. If CROMWEL therfore had meant as he ſpoke, no man had ever ſuch an opportunity of reforming what was amiſs in the old Government, or ſetting up one wholly new, either according to the Plan of *Oceana*, or any other. This would have made him indeed a *Hero* ſuperior in laſting fame to SOLON, LYCURGUS, ZALEUCUS, and CHARONDAS; and render his Glory far more reſplendent, his Security greater, and his Renown more durable than all the Pomp of his ill acquir'd Greatneſs could afford: wheras on the contrary he liv'd in continual fears of thoſe he had inſlav'd, dy'd abhor'd as a monſtrous betrayer of thoſe Libertys with which he was intruſted by his Country, and his Poſterity not poſſeſſing a foot of what for their only ſakes he was generally thought to uſurp. But this laſt is a miſtaken Notion, for ſom of the moſt notorious Tyrants liv'd and dy'd without any hopes of Children; which is a good reaſon why no mortal ought to be truſted with too much Power on that ſcore. LYCURGUS and ANDREW DORIA, who, when it was in their power to continue Princes, choſe rather to be the founders of their Countrys Liberty, will be celebrated for their Virtue thro the courſe of all Ages, and their very Names convey the higheſt Ideas of Godlike Generoſity; while JULIUS CÆSAR, OLIVER CROMWEL, and ſuch others as at any time inſlav'd

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their fellow Citizens, will be for ever remember'd with deteſtation, and cited as the moſt execrable Examples of the vileſt Treachery and Ingratitude. It is only a refin'd and excellent Genius, a noble Soul ambitious of ſolid Praiſe, a ſincere lover of Virtue and the good of all Mankind, that is capable of executing ſo glorious an Undertaking as making a People free. 'Tis my fix'd opinion, that if the Protector's mind had the leaſt tincture of true greatneſs, he could not be proof againſt the incomparable Rewards propos'd by HARRINGTON in the *Corollary* of his *Oceana*; as no Prince truly generous, whether with or without Heirs, is able to reſiſt their Charms, provided he has opportunity to advance the happineſs of his People. 'Twas this Diſpoſition that brought the Prince of ORANGE to head us when we lately contended for our Liberty; to this we ow thoſe ineſtimable Laws we have obtain'd, ſince out of a grateful confidence we made him our King; and how great things, or after what manner, we may expect from him in time to com, is as hard to be truly conceiv'd as worthily expreſs'd.

16. I SHALL now give ſom account of the Book itſelf, intitl'd by the Author, *The Commonwealth of Oceana*, a name by which he deſign'd *England*, as being the nobleſt Iland of the *Northern* Ocean. But before I procede further, I muſt explain ſom other words occurring in this Book, which is written after the manner of a Romance, in imitation of PLATO's *Atlantic Story*, and is a method ordinarily follow'd by Lawgivers.

Adoxus	*King* JOHN.
Alma	*The Palace of St.* JAMES.
Convallium	*Hamton Court.*
Coraunus	HENRY VIII.
Dicotome	RICHARD II.
Emporium	*London.*
Halcionia	*The Thames.*
Halo	*Whitehall.*
Hemiſua	*The River Trent.*
Hiera	*Weſtminſter.*
Leviathan	HOBBES.
Marpeſia	*Scotland.*
Morpheus	JAMES I.
Mount Celia	*Windſor.*
Neuſtrians	*Normans.*
Olphaus Megaletor	OLIVER CROMWEL.
Panopæa	*Ireland.*
Pantheon	*Weſtminſter Hall.*
Panurgus	HENRY VII.
Parthenia	*Queen* ELIZABETH.
Scandians	*Danes.*
Teutons	*Saxons.*
Turbo	WILLIAM *the Conqueror.*
Verulamius	*Lord Chancellor* BACON.

17. THE Book conſiſts of *Preliminarys* divided into two parts, and a third Section called the *Council of Legiſlators*; then follows the *Model* of the Commonwealth, or the body of the Book; and laſtly coms the *Corollary* or Concluſion. The Preliminary Diſcourſes contain the Principles, Generation, and Effects of all Governments, whether Monarchical, Ariſtocratical, or Popular, and their ſeveral Corruptions, as Tyranny,

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Tyranny, Oligarchy, and Anarchy, with all the good or bad mixtures that naturally reſult from them. But the firſt part dos in a more particular manner treat of antient Prudence, or that genius of Government which moſt prevail'd in the world till the time of JULIUS CÆSAR. None can conſult a more certain Oracle that would conceive the nature of Foren or Domeſtic Empire; the Balance of Land or Mony; Arms or Contracts; Magiſtracy and Judicatures; Agrarian Laws; Elections by the Ballot; Rotation of Officers, with a great many ſuch heads, eſpecially the inconveniences and preeminences of each kind of Government, or the true compariſon of 'em all together. Theſe Subjects have bin generally treated diſtinctly, and every one of them ſeems to require a Volum; yet I am of opinion that in this ſhort Diſcourſe there is a more full and clearer account of them, that can be eaſily found elſewhere: at leaſt I muſt own to have receiv'd greater ſatisfaction here than in all my reading before, and the ſame thing has bin frankly own'd to me by others.

18. THE ſecond part of the Preliminarys treats of modern Prudence, or that genius of Government which has moſt obtain'd in the world ſince the expiration of the *Roman* Liberty, particularly the *Gothic* Conſtitution, beginning with the inundation of the barbarous Northern Nations over the *Roman* Empire. In this Diſcourſe there is a very clear account of the *Engliſh* Government under the *Romans*, *Saxons*, *Danes*, and *Normans*, till the foundations of it were cunningly undermin'd by HENRY VII. terribly ſhaken by HENRY VIII. and utterly ruin'd under CHARLES I. Here he muſt read, who in a little compaſs would completely underſtand the antient Feuds and Tenures, the original and degrees of our Nobility, with the inferior Orders of the reſt of the People: under the *Saxons*, what was meant by Ealdorman, or Earls; King's Thane; middle Thane or Vavaſors; their Shiremoots, Sherifs, and Viſcounts; their Halymoots, Weidenagemoots, and ſuch others. Here likewiſe one may learn to underſtand the Baronage of the *Normans*, as the Barons by their Poſſeſſions, by Writ, or by Letters Patent; with many other particulars which give an inſight into the ſprings and management of the Barons Wars, ſo frequent and famous in our Annals. The reſt of this Diſcourſe is ſpent in ſhewing the natural Cauſes of the diſſolution of the *Norman* Monarchy under CHARLES the Firſt, and the generation of the Commonwealth, or rather the Anarchy that ſucceded.

19. NEXT follows the Council of Legiſlators: for HARRINGTON being about to give the moſt perfect Model of Government, he made himſelf maſter of all the Antient and Modern Politicians, that he might as well imitat whatever was excellent or practicable in them, as his care was to avoid all things which were impracticable or inconvenient. Theſe were the juſteſt meaſures that could poſſibly be taken by any body, whether he deſign'd to be rightly inform'd, and ſufficiently furniſh'd with the beſt materials; or whether he would have his Model meet with an eaſy reception: for ſince his own Sentiments (tho' never ſo true) were ſure to be rejected as privat Speculations or impracticable Chimeras, this was the readieſt way to make 'em paſs currently, as both authoriz'd by the wiſeſt men in all Nations, and as what in all times and places had bin practis'd with ſucceſs. To this end therfore he introduces, under feign'd names, nine Legiſlators, who perfectly underſtood the ſeveral Governments, they were appointed

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appointed to repreſent. The Province of the firſt was the Commonwealth of *Iſrael*; that of the ſecond, *Athens*; of the third, *Sparta*; of the fourth, *Carthage*; of the fifth, the *Achæans*, *Ætolians*, and *Lycians*; of the ſixth, *Rome*; of the ſeventh, *Venice*; of the eighth, *Switzerland*; and of the ninth, *Holland*. Out of the Excellencys of all theſe, ſupply'd with the Fruits of his own invention, he fram'd the Model of his *Oceana*; and indeed he ſhews himſelf in that work ſo throly vers'd in their ſeveral Hiſtorys and Conſtitutions, that to any man who would rightly underſtand them, I could not eaſily recommend a more proper Teacher: for here they are diſſected and laid open to all Capacitys, their Perfections applauded, their Inconveniencys expos'd, and parallels frequently made between 'em no leſs entertaining than uſual. Nor are the Antient and Modern *Eaſtern* or *European* Monarchys forgot, but exhibited with all their Advantages and Corruptions, without the leaſt diſſimulation or partiality.

20. AS for the Model, I ſhall ſay nothing of it in particular, as well becauſe I would not foreſtal the pleaſure of the Reader, as by reaſon an Abridgment of it is once or twice made by himſelf, and inſerted among his Works. The Method he obſerves is to lay down his Orders or Laws in ſo many poſitive Propoſitions, to each of which he ſubjoins an explanatory Diſcourſe; and if there be occaſion, adds a Speech ſuppos'd to be deliver'd by the Lord ARCHON, or ſom of the Legiſlators. Theſe Speeches are extraordinary fine, contain a world of good Learning and Obſervation, and are perpetual Commentarys on his Laws. In the *Corollary*, which is the concluſion of the whole Work, he ſhews how the laſt hand was put to his Commonwealth; which we muſt not imagin to treat only of the Form of the Senat and Aſſemblys of the People, or the manner of waging War and governing in Peace. It contains beſides, the Diſciplin of a National Religion, and the ſecurity of a Liberty of Conſcience: a Form of Government for *Scotland*, for *Ireland*, and the other Provinces of the Commonwealth; Governments for *London* and *Weſtminſter*, proportionably to which the other Corporations of the Nation are to be model'd; Directions for the incouraging of Trade; Laws for regulating Academys; and moſt excellent Rules for the Education of our Youth, as well to the Wars or the Sea, to Manufactures or Huſbandry, as to Law, Phyſic, or Divinity, and chiefly to the breeding and true figure of accompliſh'd Gentlemen: There are admirable Orders for reforming the Stage; the number, choice and buſineſs of the Officers of State and the Revenue, with all ſorts of Officers; and an exact account both of their Salarys, and the ordinary yearly charge of the whole Commonwealth, which for two rarely conſiſtent things, the grandeur of its State, and the frugal management of its Revenues, excedes all the Governments that ever were. I ought not to omit telling here, that this Model gives a full anſwer to thoſe who imagin that there can be no Diſtinctions or Degrees, neither Nobility nor Gentry in a Democracy, being led into this miſtake, becauſe they ignorantly think all Commonwealths to be conſtituted alike; when, if they were but never ſo little vers'd in Hiſtory, they might know that no Order of men now in the world can com near the Figure that was made by the Noblemen and Gentlemen of the *Roman* State: nor in this reſpect dos the Commonwealth of *Oceana* com any thing behind them; for, as HARRINGTON ſays very truly, *an Army may as well conſiſt of Soldiers without Officers, or of Officers*

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Officers without Soldiers, as a Commonwealth (eſpecially ſuch an one as is capable of Greatneſs) conſiſt of a People without a Gentry, or of a Gentry without a People. So much may ſuffice for underſtanding the ſcope of this Book: I ſhall only add, that none ought to be offended with a few odd terms in it, ſuch as the Prime Magnitude, the Pillar of *Nilus*, the Galaxy, and the Tropic of Magiſtrats, ſince the Author explains what he means by 'em, and that any other may call 'em by what more ſignificative names he pleaſes; for the things themſelves are abſolutely neceſſary.

21. NO ſooner did this Treatiſe appear in public, but it was greedily bought up, and becom the ſubject of all mens Diſcourſe. The firſt that made exceptions to it was Dr. HENRY FERNE, afterwards Biſhop of *Cheſter*. The Lady ASHTON preſented him with one of the Books, and deſir'd his opinion of it, which he quickly ſent in ſuch a manner as ſhew'd he did not approve of the Doctrin, tho he treated the Perſon and his Learning with due reſpect. To this Letter a reply was made, and ſom Querys ſent along with it by HARRINGTON, to every one of which a diſtinct Anſwer was return'd by the Doctor; which being again confuted by HARRINGTON, he publiſh'd the whole in the year 1656, under the title of *Pian Piano, or an Intercourſe between* H. FERNE *Doctor in Divinity, and* JAMES HARRINGTON *Eſq; upon occaſion of the Doctor's Cenſure of the Commonwealth of* Oceana. 'Tis a Treatiſe of little importance, and contains nothing but what he has much better diſcours'd in his anſwers to other Antagoniſts, which is the reaſon that I give the Reader no more trouble about it.

22. THE next that wrote againſt *Oceana* was MATTHEW WREN, eldeſt Son to the Biſhop of *Ely*. His Book was intitl'd *Conſiderations*, and reſtrain'd only to the firſt part of the Preliminarys. To this our Author publiſh'd an anſwer in the firſt Book of his *Prerogative of Popular Government*, where he inlarges, explains, and vindicats his Aſſertions. How inequal this Combat was, and after what manner he treated his Adverſary, I leave the Reader to judg; only minding him that as WREN was one of the *Virtuoſi* who met at Dr. WILKINS's (the Seminary of the now Royal Society) HARRINGTON jokingly ſaid, That *they had an excellent faculty of magnifying a Louſe, and diminiſhing a Commonwealth.* But the Subjects he handles on this occaſion are very curious, and reduc'd to the twelve following Queſtions.

(1.) WHETHER Prudence (or the Politics) be well diſtinguiſh'd into Antient and Modern?

(2.) WHETHER a Commonwealth be rightly defin'd to be a Government of Laws and not of men; and Monarchy to be a Government of ſom men or a few men, and not of Laws?

(3.) WHETHER the Balance of Dominion in Land be the natural cauſe of Empire?

(4.) WHETHER the Balance of Empire be well divided into National and Provincial? and whether theſe two, or any Nations that are of a diſtinct Balance, coming to depend on one and the ſame head, ſuch a mixture creates a new Balance?

(5.) WHETHER there be any common Right or Intereſt of Mankind diſtinct from the Intereſt of the parts taken ſeverally? and how by the orders of a Commonwealth this may beſt be diſtinguiſh'd from privat Intereſt?

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(6.) WHETHER the *Senatuſconſulta*, or Decrees of the *Roman* Senat, had the power of Laws?

(7.) WHETHER the Ten Commandments, propos'd by God or MOSES, were voted and paſt into Laws by the People of *Iſrael?*

(8.) WHETHER a Commonwealth, coming up to the perfection of the Kind, coms not up to the perfection of Government, and has no flaw in it? that is, whether the beſt Commonwealth be not the beſt Government?

(9.) WHETHER Monarchy, coming up to the perfection of the Kind, coms not ſhort of the perfection of Government, and has not ſom flaw in it? that is, whether the beſt Monarchy be not the worſt Government? Under this head are alſo explain'd the Balance of *France*, the Original of a Landed Clergy, Arms, and their ſeveral kinds.

(10.) WHETHER any Commonwealth, that was not firſt broken or divided by it ſelf, was ever conquer'd by any Monarch? where he ſhews that none ever were, and that the greateſt Monarchys have bin broken by very ſmall Commonwealths.

(11.) WHETHER there be not an *Agrarian*, or ſom Law or Laws to ſupply the defects of it, in every Commonwealth? Whether the *Agrarian*, as it is ſtated in *Oceana*, be not equally ſatisfactory to all Intereſts or Partys?

(12.) WHETHER a Rotation, or Courſes and Turns, be neceſſary to a well-order'd Commonwealth? In which is contain'd the *Parembole* or Courſes of *Iſrael* before the Captivity, together with an Epitome of the Commonwealth of *Athens*, as alſo another of the Commonwealth of *Venice*.

23. THE ſecond Book of the *Prerogative of Popular Government* chiefly concerns Ordination in the Chriſtian Church, and the Orders of the Commonwealth of *Iſrael*, againſt the opinions of Dr. HAMMOND, Dr. SEAMAN, and the Authors they follow. His Diſpute with theſe learned Perſons (the one of the Epiſcopal, and the other of the Presbyterian Communion) is comprehended in five Chapters.

(1.) THE firſt, explaining the words *Chirotonia* and *Chirotheſia*, paraphraſtically relates the Story of the Perambulation made by the Apoſtles PAUL and BARNABAS thro the Citys of *Lycaonia*, *Piſidia*, &c.

(2.) THE ſecond ſhews that thoſe Citys, or moſt of 'em were at the time of this Perambulation under Popular Government; in which is alſo contain'd the whole Adminiſtration of a *Roman* Province.

(3.) THE third ſhews the deduction of the *Chirotonia*, or holding up of hands, from Popular Government, and that the original of Ordination is from this cuſtom: in which is alſo contain'd the Inſtitution of the *Sanhedrim* or Senat of *Iſrael* by MOSES, and of that of *Rome* by ROMULUS.

(4.) THE fourth ſhews the deduction of the *Chirotheſia*, or the laying on of hands, from Monarchical or Ariſtocratical Government, and ſo the ſecond way of Ordination proceeds from this cuſtom: here is alſo declar'd how the Commonwealth of the *Jews* ſtood after the Captivity.

(5.) THE fifth debates whether the *Chirotonia* us'd in the Citys mention'd was (as is pretended by Dr. HAMMOND, Dr. SEAMAN, and the Authors they follow) the ſame with the *Chirotheſia*, or a far

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different thing. In which are contain'd the divers kinds of Church Government introduc'd and exercis'd in the age of the Apoſtles. By theſe heads we may perceive that a great deal of uſeful Learning is contain'd in this Book; and queſtionleſs he makes thoſe Subjects more plain and intelligible than any Writer I ever yet conſulted.

24. AGAINST *Oceana* chiefly did RICHARD BAXTER write his *Holy Commonwealth*, of which our Author made ſo ſlight that he vouchſaf'd no other anſwer to it but half a ſheet of Cant and Ridicule. It dos not appear that *he rail'd at all the Miniſters as a parcel of Fools and Knaves*. But the reſt of BAXTER's complaint ſeems better grounded, as that HARRINGTON maintain'd *neither he nor any Miniſters underſtood at all what Polity was, but prated againſt they knew not what*, &c. *This made him publiſh his Holy Commonwealth in anſwer to* HARRINGTON's *Heatheniſh Commonwealth*; *in which*, adds he, *I plead the Cauſe of Monarchy as better than Democracy or Ariſtocracy*; an odd way of modelling a Commonwealth. And yet the Royaliſts were ſo far from thinking his Book for their ſervice, that in the year 1683 it was by a Decree of the Univerſity of *Oxford*, condemn'd to be publicly burnt; which Sentence was accordingly executed upon it, in company with ſom of the Books of HOBBES, MILTON, and others; wheras no cenſure paſt on HARRINGTON's *Oceana*, or the reſt of his Works. As for Divines meddling with Politics, he has in the former part of the Preliminarys to *Oceana* deliver'd his Opinion, That *there is ſomthing firſt in the making of a Commonwealth, then in the governing of it, and laſt of all in the leading of its Armys, which (tho there be great Divines, great Lawyers, great Men in all Profeſſions) ſeems to be peculiar only to the genius of a Gentleman: for it is plain in the univerſal ſeries of ſtory, that if any man founded a Commonwealth, he was firſt a Gentleman*; the truth of which Aſſertion he proves from MOSES downwards.

25. BEING much importun'd from all hands to publiſh an Abridgment of his *Oceana*, he conſented at length; and ſo, in the year 1659, was printed his *Art of Lawgiving* (or of Legiſlation) in three Books. The firſt, which treats *of the Foundation and Superſtructures of all kinds of Government*, is an abſtract of his Preliminarys to the *Oceana*: and the third Book, ſhewing *a Model of Popular Government fitted to the preſent State or Balance of this Nation*, is an exact Epitome of his *Oceana*, with ſhort Diſcourſes explaining the Propoſitions. By the way, the Pamphlet called the *Rota* is nothing elſe but theſe Propoſitions without the Diſcourſes, and therfore to avoid a needleſs repetition not printed among his Works. The ſecond Book between theſe two, is a full *Account of the Commonwealth of* Iſrael, *with all the variations it underwent*. Without this Book it is plainly impoſſible to underſtand that admirable Government concerning which no Author wrote common ſenſe before HARRINGTON, who was perſuaded to complete this Treatiſe by ſuch as obſerv'd his judicious Remarks on the ſame Subject in his other Writings. To *the Art of Lawgiving* is annex'd a ſmall Diſſertation, or *a Word concerning a Houſe of Peers*, which to abridg were to tranſcribe.

26. IN the ſame year, 1659, WREN coms out with another Book call'd *Monarchy aſſerted*, in vindication of his *Conſiderations*. If he could not preſs hard on our Author's Reaſonings, he was reſolv'd to overbear him with impertinence and calumny, treating him neither with the reſpect due to a Gentleman, nor the fair dealing becoming an inge-

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ingenuous Adverſary, but on the contrary with the utmoſt Chicanery and Inſolence. The leaſt thing to be admir'd is, that he would needs make the Univerſity a Party againſt him, and bring the heavy weight of the Church's diſpleaſure on his ſhoulders: for as corrupt Miniſters ſtile themſelves the Government, by which Artifice they oblige better men to ſuppreſs their Complaints, for fear of having their Loyalty ſuſpected; ſo every ignorant Pedant that affronts a Gentleman, is preſently a Learned Univerſity; or if he is but in Deacon's Orders, he's forthwith transform'd into the Catholic Church, and it becoms Sacrilege to touch him. But as great Bodys no leſs than privat Perſons, grow wiſer by Experience, and com to a clearer diſcernment of their true Intereſt: ſo I believe that neither the Church nor Univerſitys will be now ſo ready to eſpouſe the Quarrels of thoſe, who, under pretence of ſerving them, ingage in Diſputes they no ways underſtand, wherby all the diſcredit redounds to their Patrons, themſelves being too mean to ſuffer any diminution of Honor. HARRINGTON was not likewiſe leſs blamable in being provok'd to ſuch a degree by this pitiful Libel, as made him forget his natural character of gravity and greatneſs of mind. Were not the beſt of men ſubject to their peculiar weakneſſes, he had never written ſuch a Farce as his *Politicaſter, or Comical Diſcourſe in anſwer to Mr.* WREN. It relates little or nothing to the Argument, which was not ſo much amiſs, conſidering the ignorance of his Antagoniſt: but it is of ſo very ſmall merit, that I would not inſert it among his other Works, as a piece not capable to inſtruct or pleaſe any man now alive. I have not omitted his *Anſwer to Dr.* STUBBE *concerning a ſelect Senat*, as being ſo little worth; but as being only a repetition of what he has much better and more amply treated in ſom of his other pieces. Now we muſt note that upon the firſt appearance of his *Oceana* this STUBBE was ſo great an admirer of him, that, in his Preface to the *Good Old Cauſe*, he ſays *he would inlarge in his praiſe, did he not think himſelf too inconſiderable to add any thing to thoſe Applauſes which the underſtanding part of the World muſt beſtow upon him, and which, tho Eloquence ſhould turn Panegyriſt, he not only merits but tranſcends.*

27. OTHER Treatiſes of his, which are omitted for the ſame reaſon, are, 1. *A Diſcourſe upon this Saying: The Spirit of the Nation is not yet to be truſted with Liberty, leſt it introduce Monarchy, or invade the Liberty of Conſcience*; which Propoſition he diſapprov'd. 2. *A Diſcourſe ſhewing that the Spirit of Parlaments, with a Council in the intervals, is not to be truſted for a Settlement, leſt it introduce Monarchy, and Perſecution for Conſcience.* 3. *A Parallel of the ſpirit of the People with the ſpirit of Mr.* ROGERS, *with an Appeal to the Reader whether the ſpirit of the People, or the ſpirit of men like Mr.* ROGERS *be the fitter to be truſted with the Government.* This ROGERS was an Anabaptiſt, a ſeditious Enthuſiaſt, or fifthmonarchy man. 4. *Pour enclouer le canon, or the nailing of the Enemys Artillery.* 5. *The ſtumbling block of Diſobedience and Rebellion, cunningly imputed by* PETER HEYLIN *to* CALVIN, *remov'd in a Letter to the ſaid* P. H. who wrote a long Anſwer to it in the third part of his Letter combat. 'Tis obvious by the bare peruſal of the Titles, that theſe are but Pamphlets ſolely calculated for that time; and it certainly argues a mighty want of Judgment in thoſe Editors who make no diſtinction between the elaborat Works which an Author intended for univerſal benefit, and his more

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ſlight or temporary Compoſitions, which were written to ſerve a preſent turn, and becom afterwards not only uſeleſs, but many times not intelligible. Of this nature are the Pieces I now mention'd: all their good things are much better treated in his other Books, and the perſonal Reflections are (as I ſaid before) neither inſtructive nor diverting. On this occaſion I muſt ſignify, that tho the Hiſtory I wrote of MILTON's Life be prefix'd to his Works, yet I had no hand in the Edition of thoſe Volumes; or otherwiſe his Logic, his Grammar, and the like, had not increas'd the bulk or price of his other uſeful Pieces. Our Author tranſlated into *Engliſh* Verſe ſom of *Virgil*'s *Eclogs*, and about ſix Books of his *Æneids*; which, with his Epigrams, and other Poetical Conceits, are neither worthy of him nor the light.

28. SOM other ſmall Books he wrote which are more deſerving, and therfore tranſmitted to Poſterity with his greater Works; namely, 1. *Valerius* and *Publicola, or, the true form of a Popular Commonwealth*, a Dialog. 2. *Political Aphoriſms*, in number 120. 3. *Seven Models of a Commonwealth, Antient and Modern; or brief Directions ſhewing how a fit and perfect Model of Popular Government may be made, found, or underſtood.* Theſe are all the Commonwealths in the World for their kinds, tho not for their number. 4. *The Ways and Means wherby an equal and laſting Commonwealth may be ſuddenly introduc'd, and perfectly founded, with the free conſent and actual confirmation of the whole People of* England. 5. There is added, *The Petition of divers well affected Perſons*, drawn up by HARRINGTON, and containing the Abſtract of his *Oceana*; but preſented to the Houſe of Commons by HENRY NEVIL the 6*th* of *July* 1659, to which a ſatisfactory anſwer was return'd, but nothing don. 6. Beſides all theſe, finding his Doctrin of Elections by Balloting not ſo well underſtood as could be deſir'd, he publiſh'd on one ſide of a large ſheet of Paper, his *uſe and manner of the Ballot*, with a copper Cut in the middle repreſenting ſuch an Election in the great Aſſembly of the Commonwealth: but 'tis now inſerted in its proper place in the body of *Oceana*. Moſt of theſe contain Abridgments of his Model, adapted to the various Circumſtances and Occurrences of thoſe times; but containing likewiſe ſom Materials peculiar to themſelves, and for that reaſon thought fit to be printed a ſecond time. He did not write *the Grounds and Reaſons of Monarchy exemplify'd in the* Scotiſh *Line* (which Book is prefix'd to his Works) but one JOHN HALL, born in the City of *Durham*, educated at *Cambridg*, and a Student of *Grays Inn*. Being commanded by the Counſil of State (of whom he had a yearly Penſion) to attend OLIVER into *Scotland*, it occaſion'd him to publiſh that Piece. He wrote ſeveral other things in Proſe and Verſe, and dy'd before he was full thirty, lamented as a Prodigy of his Age.

29. HARRINGTON having thus exhauſted all that could be written on this Subject, he likewiſe indeavor'd to promote his Cauſe by public diſcourſes at a nightly meeting of ſeveral curious Gentlemen in the *New Palace Yard* at *Weſtminſter*. This Club was call'd the *Rota*, of which I ſhall give a ſhort account from ANTHONY WOOD, who mortally hated all Republicans, and was as much prejudic'd in favor of the Royaliſts, tho, to his honor be it ſpoken, he never deny'd juſtice to either ſide. " Their Diſcourſes about Government, *ſays he*, and of or-
" dering a Commonwealth, were the moſt ingenious and ſmart that
" ever

" ever were heard; for the Arguments in the Parlament houſe were " but flat to thoſe. This Gang had a balloting Box, and balloted how " things ſhould be carry'd by way of Eſſay; which not being us'd or " known in *England* before on this account, the room was every even- " ing very full. Beſides our Author and H. NEVIL, who were the " prime men of this Club, were CYRIAC SKINNER, Major " WILDMAN, Major VENNER, CHARLES WOLSLEY after- " wards knighted, ROGER COKE the Author of the *Detection of* " *the four laſt Reigns*, WILLIAM POULTNEY afterwards made " a Knight, JOHN AUBRY, MAXIMILIAN PETTY, and Dr. " PETTY, who was afterwards Sir WILLIAM, Sir JOHN HOS- " KYNS, and a great many others, ſom wherof are ſtill living.—— " The Doctrin was very taking, and the more becauſe, as to human " foreſight, there was no poſſibility of the King's return. The great- " eſt of the Parlamentmen hated this Rotation and Balloting, as be- " ing againſt their Power. Eight or ten were for it, of which number " H. NEVIL was one, who propos'd it to the Houſe, and made it " out to the Members, that, except they imbrac'd that ſort of Govern- " ment, they muſt be ruin'd. The Model of it was, that the third " part of the Senat or Houſe ſhould rote out by Ballot every year " (not capable of being elected again for three Years to com) ſo that " every ninth year the Senat would be wholly alter'd. No Magi- " ſtrat was to continue above three years, and all to be choſen by the " Ballot, than which nothing could be invented more fair and impar- " tial, as 'twas then thought, tho oppos'd by many for ſeveral rea- " ſons. This Club of Commonwealthſmen laſted till about the 21*ſt* " of *Febr.* 1659, at which time the ſecluded Members being reſtor'd " by General GEORGE MONK, all their Models vaniſh'd."

30. WHEN the whole matter is duly conſider'd, it's impoſſible a Commonwealth ſhould have ſucceded in *England* at that time, ſince CROMWEL, who alone had the Power, yet wanted the Will to ſet it up. They were comparatively but very few that entertain'd ſuch a Deſign from the beginning of the Troubles; and, as it uſually happens, a great part of theſe did afterwards deſert their Principles, being ſeduc'd by the Honors and Preferments wherby they were re- tain'd in the ſervice of the reigning Powers. The body of the Peo- ple were either exaſperated on a religious account, only to obtain that Liberty which they afterwards mutually deny'd each other, or by the change of the Balance they grew weary of Monarchy, and did not know it. The Republicans indeed made an advantage of their Diſ- contents to deſtroy the eſtabliſh'd Government, without acquainting 'em with their real Deſigns; and when this was effectually don, the People (who had no ſettl'd Form in their view, and thought all things ſafe by the Victory they had gain'd over the King and the Church) fell in with what was firſt offer'd by thoſe in whom they confided, and would as well have accepted a better Government if they had been ma- nag'd by men of honeſt and publie Deſigns. But the Multitude can feel, tho they cannot ſee. Inſtead of injoying their deſir'd Liberty, they ſoon found themſelves under a moſt heavy Yoke, which they na- turally labor'd to ſhake off; and yet in all the changes then made, two things were remarkable, that every one of 'em would be ſtil'd a Commonwealth, and yet none of 'em would mend or take warning by the Errors of thoſe that preceded, but ſtill continu'd to abuſe the Nation,

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Nation, and unnaturally to ingroſs the Government into a few hands. The People being all this while told they were under a Commonwealth, and not being able to ſee thro the deceit, begun to think themſelves miſtaken in the choice they had made, ſince their ſufferings under theſe pretended Commonwealths were infinitly greater than what induc'd 'em to diſſolve the former Monarchy. In this condition the ſeveral Partys might (as HARRINGTON us'd to ſay) be fitly compar'd to a company of Puppydogs in a bag, where finding themſelves uneaſy for want of room, every one of 'em bites the tail or foot of the next, ſuppoſing that to be the cauſe of his miſery. By this means whatever was ſaid againſt a Commonwealth obtain'd ready belief, as, that it is the moſt ſeditious ſort of Government, and that inſtead of one Tyrant there are a great many who inrich themſelves by laying intolerable Taxes on others. All this and much more the People in *England* then experienc'd, and therfore deteſting their new Commonwealth, they reſtor'd the old Monarchy. But to do all Governments the Juſtice due from an impartial Hiſtorian, they never had a Commonwealth, but were interchangeably under Anarchy, Tyranny, and Oligarchy, to which Commonwealths have ever bin the greateſt enemys, and have frequently lent their voluntary aſſiſtance to deliver other Nations from the like oppreſſions. Thus the People of *England* came to hate the name of a Commonwealth, without loving their Liberty the leſs.

31. BUT to return whence we digreſs'd: Our Author, not concern'd in the exceſſive fears and hopes of thoſe that favor'd or oppos'd the Reſtoration of CHARLES the ſecond, continu'd to live in a peaceable manner at his own houſe, demeaning himſelf as became a perſon blindly ingag'd to no Party or Factions. But tho his Life was retir'd, it was not ſolitary, being frequented with people of all ſorts, ſom with a malicious deſign to fiſh ſomthing to his prejudice, and others to gain advantage to themſelves by his learned Converſation, or to put him upon ſomthing towards the better ſettlement of the Kingdom. Among theſe there was an eminent Royaliſt who prevail'd with him to draw up ſom Inſtructions for the King's ſervice, wherby he might be inabl'd to govern with ſatisfaction to the People and ſafety to himſelf: which being perform'd and ſign'd with his own hand, his Friend after ſhewing it to ſeveral of the Courtiers, found they did not approve a Scheme that was not likely to further their ſelfiſh Deſigns. At laſt he put his Paper into the hands of a great Miniſter about the King; and how well our Author was rewarded for his good Intentions, we are now going to relate. About this time he was buſy in reducing his Politics into ſhort and eaſy *Aphoriſms*, yet methodically digeſted in their natural order, and ſuted to the moſt vulgar capacitys. Of this he made no ſecret, and freely communicated his Papers to all that viſited him. While he was putting the laſt hand to this Syſtem, and as an innocent man apprehenſive of no danger, he was by an Order from the King, on the 28*th* of *December* 1661, ſeiz'd by Sir WILLIAM POULTNEY and others, and committed to the Tower of *London* for treaſonable Deſigns and Practices. He had the written ſheets of his Aphoriſms then lying looſe on the table before him, and underſtanding they intended to carry 'em to the Council, he beg'd the favor that he might ſtitch 'em together; which was granted, and ſo remov'd with ſom other Papers to *Whitehall*. I have that Manuſcript now in my hands, and another Copy

of

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of the ſame which was given me by one of his acquaintance, from both which I have printed it among the reſt of his Works. It is a complete *Syſtem of Politics*, and diſcovers the true Springs of the riſe, temper, and diſſolution of all ſorts of Governments, in a very brief and perſpicuous manner.

32. HE had no time given him to take leave of any body, but was ſtraight convey'd to the Tower, where none were allow'd to com to his ſight or ſpeech. His Siſters were inconſolable, and the more ſo, the leſs they knew what was laid to their Brother's charge. One of them, who on another occaſion had experienc'd the King's favor, threw her ſelf now at his Feet, and petition'd him to have compaſſion on her Brother, who thro a great miſtake was fallen under his Majeſty's diſpleaſure: for as ſhe was ſure that none of his Subjects exceded his Loyalty, ſo his Majeſty might ſee he was not the man they deſign'd, ſince the Warrant was for Sir JAMES HARRINGTON, wheras her Brother was never honor'd with ſuch a Title by his Majeſty's Anceſtors, and he would not have accepted it from OLIVER. To this the King made anſwer, that tho they might be miſtaken in his Title, he doubted he might be found more guilty of the Crimes alleg'd againſt him, than he wiſh'd any Brother of hers to be. Then ſhe preſs'd he might be examin'd before his Majeſty, or be brought to a ſpeedy trial. Shortly after my Lord LAUDERDALE, Sir GEORGE CARTERET, and Sir EDWARD WALKER were ſent to the Tower to queſtion him about a Plot which, they ſaid, he had contriv'd againſt his Majeſty's Perſon and Government. At this he was extraordinarily reviv'd, not being able to divine before the cauſe of his Confinement, and knowing himſelf wholly innocent of this Charge. He found means to tranſmit a Copy of his Examination to his Siſters, giving 'em leave to publiſh it, which was never hitherto don, and is as follows.

33. *THE Examination of* JAMES HARRINGTON, *taken in the Tower of* London *by the Earl of* LAUDERDALE, *Sir* GEORGE CARTERET, *and Sir* EDWARD WALKER.

LORD LAUDERDALE. Sir, I have heretofore accounted it an honor to be your Kinſman, but am now ſorry to ſee you upon this occaſion; very ſorry I aſſure you.

HARRINGTON. My Lord, ſeeing this is an occaſion, I am glad to ſee you upon this occaſion. Which ſaid, the Commiſſioners ſat down; and Mr. HARRINGTON ſtanding before my Lord, he began in this manner.

Lord. SIR, the King thinks it ſtrange that you, who have ſo eminently appear'd in Principles contrary to his Majeſty's Government, and the Laws of this Nation, ſhould ever ſince he came over live ſo quiet and unmoleſted, and yet ſhould be ſo ungrateful. Were you diſturb'd? were you ſo much as affronted, that you ſhould enter into ſuch deſperat practices?

Har. MY Lord, when I know why this is ſaid, I ſhall know what to ſay.

Lord.

Lord. WELL then, without any longer preamble, will you anſwer me ingenuouſly, and as you are a Gentleman, to what I have to propoſe?

Har. MY Lord, I value the aſſeveration *(as I am a Gentleman)* as high as any man, but think it an aſſeveration too low upon this occaſion; wherfore, with your leave, I ſhall make uſe of ſom greater aſſeveration.

Lord. FOR that do as you ſee good: do you know Mr. WILDMAN?

Har. MY Lord, I have ſom acquaintance with him.

Lord. WHEN did you ſee him?

Har. MY Lord, he and I have not bin in one houſe together theſe two years.

Lord. WILL you ſay ſo?

Har. YES, my Lord.

Lord. WHERE did you ſee him laſt?

Har. ABOUT a year ago I met him in a ſtreet that gos to *Drury-lane.*

Lord. DID you go into no houſe?

Har. NO, my Lord.

Sir *G. Carteret.* THAT's ſtrange!

Lord. COM, this will do you no good: Had not you, in *March* laſt, meetings with him in *Bowſtreet* in *Coventgarden?* where there were about twenty more of you; where you made a Speech about half an hour long, that they ſhould lay by diſtinguiſhing Names, and betake themſelves together into one Work, which was to diſſolve this Parlament, and bring in a new one, or the old one again. Was not this meeting adjourn'd from thence to the *Mill Bank?* were not you there alſo?

Har. MY Lord, you may think, if theſe things be true, I have no refuge but to the mercy of God and of the King.

Lord. TRUE.

Har. WELL then, my Lord, ſolemnly and deliberately, with my eys to Heaven, I renounce the mercy of God and the King, if any of this be true, or if ever I thought or heard of this till now that you tell it me.

Sir *G. C.* THIS is ſtrange!

Lord. DO you know BAREBONES?

Har. YES, my Lord.

Lord. WHEN did you ſee him?

Har. I THINK that I have call'd at his houſe or ſhop thrice in my Life.

Lord. HAD you never any meetings with him ſince the King came over?

Har. NO, my Lord.

Sir *G. C.* THIS is ſtrange!

Lord. DO you know Mr. NEVIL?

Har. VERY well, my Lord.

Lord. WHEN did you ſee him?

Har. MY Lord, I ſeldom us'd to viſit him; but when he was in Town, he us'd to ſee me at my houſe every evening, as duly almoſt as the day went over his head.

Lord.

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Lord. WERE you not with him at ſom public meeting?

Har. MY Lord, the publickeſt meeting I have bin with him at, was at dinner at his own lodging, where I met Sir BERNARD GASCOIN, and I think Col. LEG.

Sir *Edw. Walker.* THEY were good ſafe company.

Lord. WHAT time was it?

Har. IN Veniſon time I am ſure, for we had a good Veniſon paſty.

Lord. DO you know one PORTMAN?

Har. NO, my Lord, I never heard of his name before.

Sir *G. C.* THIS is ſtrange!

Lord. COM, deal ingenuouſly, you had better confeſs the things.

Har. MY Lord, you do not look upon me (for I ſaw he did not firmly) I pray look upon me. Do you not know an innocent face from a guilty one? com, you do, my Lord, every one dos: My Lord, you are great Men, you com from the King, you are the Meſſengers of Death.

Lord. IS that a ſmall matter? (at which my Lord gave a ſhrug.)

Har. IF I be a Malefactor, I am no old Malefactor: why am not I pale? why do not I tremble? why dos not my tongue falter? why have you not taken me tripping? My Lord, theſe are unavoidable ſymtoms of guilt. Do you find any ſuch thing in me?

Lord. NO (which he ſpoke with a kind of amazement) and then added, I have ſaid all that I think I have to ſay.

Har. MY Lord, but I have not.

Lord. COM then.

Har. THIS plainly is a practice, a wicked practice, a practice for innocent Blood; and as weak a one as it is wicked. Ah, my Lord, if you had taken half the pains to examin the Guilty that you have don to examin the Innocent, you had found it; it could not have eſcap'd you. Now, my Lord, conſider if this be a practice, what kind of perſons you are that are thus far made inſtrumental in the hands of wicked men. Nay, whither will wickedneſs go? Is not the King's Authority (which ſhould be ſacred) made inſtrumental? My Lord, for your own ſake, the King's ſake, for the Lord's ſake, let ſuch Villanys be found out and puniſh'd. At this my Lord LAUDERDALE, as was thought ſomwhat out of countenance, roſe up; and fumbling with his hand upon the Table, ſaid:

Lord. WHY if it be as you ſay, they deſerve puniſhment enough, but otherwiſe look it will com ſeverely upon you.

Har. MY Lord, I accepted of that condition before.

Lord. COM, Mr. Vice-Chamberlain, it is late.

Har. MY Lord, now if I might I could anſwer the Preamble.

Lord. COM, ſay; and ſo he ſat down again.

Har. MY Lord, in the Preamble you charge me with being eminent in Principles contrary to the King's Government, and the Laws of this Nation. Som, my Lord, have aggravated this, ſaying, that *I being a privat man have bin ſo mad as to meddle with Politics: what had a privat man to do with Government?* My Lord, there is not any public Perſon, not any Magiſtrat, that has written in the Politics worth a button. All they that have bin excellent in this way, have bin privat men, as privat men, my Lord, as my ſelf. There is PLATO, there is ARISTOTLE, there is LIVY, there is MACHIAVEL. My Lord, I can ſum up ARISTOTLE's *Politics* in a very few words;

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he ſays there is the barbarous Monarchy (ſuch a one where the People have no Votes in making the Laws) he ſays there is the Heroic Monarchy (ſuch a one where the People have their Votes in making the Laws) and then he ſays there is Democracy; and affirms that a man cannot be ſaid to have Liberty, but in a Democracy only.

MY Lord LAUDERDALE, who thus far had bin very attentive, at this ſhew'd ſome impatience.

Har. I SAY, ARISTOTLE ſays ſo; I have not ſaid ſo much. And under what Prince was it? Was it not under ALEXANDER, the greateſt Prince then in the World? I beſeech you, my Lord, did ALEXANDER hang up ARISTOTLE, did he moleſt him? LIVY for a Commonwealth is one of the fulleſt Authors; did not he write under AUGUSTUS CÆSAR? did CÆSAR hang up LIVY, did he moleſt him? MACHIAVEL what a Commonwealthſman was he? but he wrote under the *Medici* when they were Princes in *Florence*; did they hang up MACHIAVEL, or did they moleſt him? I have don no otherwiſe than as the greateſt Politicians, the King will do no otherwiſe than as the greateſt Princes. But, my Lord, theſe Authors had not that to ſay for themſelves that I have; I did not write under a Prince, I wrote under a Uſurper, OLIVER. He having ſtarted up into the Throne, his Officers (as pretending to be for a Commonwealth) kept a murmuring, at which he told them that he knew not what they meant, nor themſelves; but let any of them ſhew him what they meant by a Commonwealth (or that there was any ſuch thing) they ſhould ſee that he ſought not himſelf: the Lord knew he ſought not himſelf, but to make good the Cauſe. Upon this ſom ſober men came to me and told me, if any man in *England* could ſhew what a Commonwealth was, it was my ſelf. Upon this perſuaſion I wrote; and after I had written, OLIVER never anſwer'd his Officers as he had don before, therfore I wrote not againſt the King's Government. And for the Law, if the Law could have puniſh'd me, OLIVER had don it; therfore my Writing was not obnoxious to the Law. After OLIVER the Parlament ſaid they were a Commonwealth; I ſaid they were not, and prov'd it: inſomuch that the Parlament accounted me a Cavalier, and one that had no other deſign in my writing, than to bring in the King; and now the King firſt of any man makes me a Roundhead.

Lord. THESE things are out of doors; if you be no Plotter, the King dos not reflect upon your Writings.

AND ſo riſing up, they went out; my Lord being at the head of the ſtairs, I ſaid to him, My Lord, there is one thing more; you tax me with Ingratitude to the King, who had ſuffer'd me to live undiſturb'd: truly, my Lord, had I bin taken right by the King, it had (by this Example already given) bin no more than my due. But I know well enough I have bin miſtaken by the King; the King therfore taking me for no Friend, and yet uſing me not as an Enemy, is ſuch a thing as I have mention'd to all I have convers'd with, as a high Character of Ingenuity and Honor in the King's Nature.

Lord. I AM glad you have had a ſenſe of it; and ſo went down.

Har. MY Lord, it is my duty to wait on you no farther.

34. NOTWITHSTANDING the apparent Innocence of our Author, he was ſtill detain'd a cloſe Priſoner; and Chancellor HIDE,

HIDE, at a Conference of the Lords and Commons, charg'd him with being concern'd in the Plot, wherof one and thirty persons were the chief managers after this manner: That they met in *Bowstreet Coventgarden*, in *St. Martin's-le-grand*, at the *Mill-Bank*, and in other places; and that they were of seven different Partys or Interests, as three for the Commonwealth, three for the Long Parlament, three for the City, three for the Purchasers, three for the Disbanded Army, three for the Independents, and three for the Fifthmonarchy men. That their first Consideration was how to agree on the choice of Parlamentmen against the insuing Session: and that a special care ought to be had about Members for the City of *London*, as a precedent for the rest of the Kingdom to follow, wherupon they nominated the four Members after chosen, and now sitting in Parlament: but three of these, being then present, stood up, and clear'd themselves of this Aspersion. Their next care was to frame a Petition to the Parlament for a preaching Ministry, and Liberty of Conscience. Then they were to divide and subdivide themselves into several Councils and Committees, for the better carrying on their business by themselves or their Agents and Accomplices all over the Kingdom. In these Meetings HARRINGTON was said to be often in the Chair; that they had taken an Oath of Secresy, and concerted measures for levying Men and Mony.

35. THE Chancellor added, that tho he had certain Information of the times and places of their meetings, and particularly those of HARRINGTON and WILDMAN, they were nevertheless so fixt in their nefarious design, that none of those they had taken would confess any thing, not so much as that they had seen or spoken to one another at those times or places; which obstinacy, he thought, must needs procede from a faithfulness to their Oath. But a Committee of Lords and Commons, after several sittings, could make nothing of this imaginary Plot, and did not ever name our Author in all their Reports.

36. HIS Sisters in the mean time being impatient to see him, and to know his Condition, after several fruitless Petitions, obtain'd an order of Council at last to be admitted into the Tower, where they found him barbarously treated by the Lieutenant, whom they soften'd into more humanity with a present of fifty pounds under the notion of Fees. By them he deliver'd a Petition to the King, importing that in the late times he was no public Person, nor acted to any man's detriment in his Life, Body, or Estate, but on the contrary had don his endeavors to help all persons in distress; that he had oppos'd the Usurper in such a manner as was judg'd even by the Royalists themselves to be very much to his disadvantage; and that it was not probable that he, who had liv'd so peaceably before, would attemt any Novelty after his Majesty's Restoration: wherfore he beg'd the favor of a public Trial, or a more easy Confinement. But tho he had bin now a prisoner during the space of five months, neither he nor any on his behalf could receive an Answer to their Petitions; which made him somwhat impatient, not so much to injoy his Liberty, as to vindicat himself from the base Aspersions of his Enemys. He therfore continually urg'd his sister ASHTON to procure him a Trial, which she not being able to effect, he petition'd the Parlament, shewing that he had lain a close Prisoner in the Tower for five months upon a bare suspicion of som disaffection to the Government, which in all his Examinations did not in the least appear; and that he hop'd e'er that time so to have clear'd his innocence by a public

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Trial, as to deſerve his Liberty. But becauſe he underſtood theſe matters were in ſom meaſure repreſented to their Houſe, he would not preſume, without firſt making his application to them, to ſue for his freedom by other legal means. " May it therefore pleaſe this honorable " Houſe, ſays he, to take tender conſideration of the ſufferings of an " *Engliſhman* hitherto innocent; and that the long continuance of him " in priſon without trial may be hereafter the caſe of others, and a pre- " cedent for the like caſe: and that this honorable Houſe would pleaſe " to move his Majeſty that your Petitioner may be proceded againſt " by a legal way of Trial, or that he may have his freedom; that ſo " he may no longer languiſh in Priſon to the ruin of his Health and " Eſtate. Theſe are not the words of a man conſcious of Guilt, or afraid of Power.

37. HIS Siſter could get no Member to deliver this Petition, or to give her any incouragement; ſom alleging that ſhe was more likely to deſtroy than ſerve her Brother, and others that by unſeaſonable preſſing ſhe might precipitat his danger; wheras if he would be patient under his ſufferings, he might be ſafe in his reſtraint. Then he advis'd her to move for his *Habeas Corpus*; which at firſt was flatly deny'd, but afterwards when it was granted and duly ſerv'd, his Warder came one day to his Siſters at *Weſtminſter*, and acquainted them that between one and two a clock that morning their Brother was put on board a Ship to be tranſported he knew not whither, without any time given him either to ſee his Friends, or to make proviſion of Mony, Linen, or other neceſſarys. Nor could his Relations for a whole fortnight, either at the Tower or in the Secretarys Office, learn what was becom of him, till they receiv'd a note from himſelf on board one of the King's Ships then lying under *Hurſt* Caſtle, informing them that he believ'd he was bound for *Plymouth*. About a month after he ſent 'em word by another Letter that he was landed on a kind of Rock oppoſite to *Plymouth*, call'd St. *Nicholas*'s *Iſland*, whence he afterwards had frequent opportunitys of writing to 'em many pious and moral Admonitions, as well as Letters of buſineſs and entertainment.

38. BUT his cloſe reſtraint to this ſmall ſpot of Earth, where there was no freſh Water, and ſcarce any room to move his Body, quickly chang'd the ſtate of his Health; this occaſion'd him to petition he might be remov'd to *Plymouth*, which was granted, his Brother WILLIAM, and his Uncle ANTHONY SAMUEL, obliging themſelves in a Bond of 5000 *l.* for his ſafe Impriſonment. Here he had not only the liberty of walking on the Hoe, but was alſo us'd with extraordinary Reſpect by the Deputy Governor of the Fort Sir JOHN SKELTON, who frequently invited him to his Table, and much lov'd his Converſation. Among the other Acquaintance he made at *Plymouth*, one was Dr. DUNSTAN, who advis'd him to take a preparation of *Guaiacum* in Coffee, as a certain cure for the Scurvy, with which he was then troubled. He drank of this Liquor in great quantitys, every morning and evening. But after uſing it for ſom time, his Siſters, to their no ſmall amazement, receiv'd no more anſwers to their Letters. At length Advice was brought 'em from his Landlady, that his Fancy was much diſorder'd, and deſiring ſom body might com to look after him. Immediatly one of them addreſs'd her ſelf to the Earl of *Bath*, then chief Governor of *Plymouth*, and inform'd him of his Priſoner's ſad condition. This noble Lord, who laid

laid many Obligations on him before, and gave frequent orders for his good Uſage, went hereupon to intercede for him with the King, repreſenting the danger of his Life if he were not remov'd from that unwholſom place to *London*, where he might have the Advice of able Phyſicians: and the King was accordingly pleas'd to grant a Warrant for his Releaſe, ſince nothing appear'd againſt him ſupported by good Proof or probable Preſumtions.

39. THE next day the Lady ASHTON, with another of his Siſters, took their Journey towards *Plymouth*, where they found their poor Brother ſo transform'd in Body and Mind, that they ſcarce could perſuade themſelves it was the ſame perſon. He was reduc'd to a Skeleton, not able to walk alone, ſlept very little, his Imagination diſturb'd, often fainted when he took his drink, and yet ſo fond of it that he would by no means be advis'd to forbear it. Dr. PRUJEAN, and other eminent Phyſicians, greatly blam'd Dr. DUNSTAN's preſcriptions, giving their Opinion under their hands that *Guaiacum* and the other drying things, which he adminiſter'd to his Patient in Coffee, were enough of themſelves to beget Melancholy or Phrenzy, where there was no previous diſpoſition to it. A rumor at *Plymouth*, that HARRINGTON had taken ſom drink which would make any man mad in a month; the ſurlineſs of his Doctor, and ſomthing blab'd by a Maid that was put againſt his Will to attend him, made his Siſter ſuſpect he had foul play leſt he ſhould write any more *Oceanas*. 'Tis certain, that (tho his Recovery was never perfect) he mended finely as ſoon as he was perſuaded to abſtain from this Liquor. In leſs than a month he was able to bear the Journey to *London* in a Coach, where he was no ſooner arriv'd but Sir JOHN SKELTON, who was then in Town, paid him a viſit. My Lady ASHTON complaining to him that ſhe had not timely notice of her Brother's Diſtemper, he proteſted he would have ſent her word of it, had not his Doctor aſſur'd him that he only counterfeited; and yet at the ſame time he made him take ſtrong doſes of *Hellebor*, and God knows what beſides.

40. HE paſt ſom time at *Aſhted* in *Surrey*, to drink the *Epſom*-waters, by which he found no benefit. At *London* he was put wholly under the care of Doctor PRUJEAN, who with all his Art could afford little help to the weakneſs of his Body, and none at all to the diſorder of his Mind, to his dying day. He was allow'd to diſcourſe of moſt other things as rationally as any man, except his own Diſtemper, fancying ſtrange things in the operation of his animal Spirits, which he thought to tranſpire from him in the ſhape of Birds, of Flys, of Bees, or the like. And thoſe about him reported that he talk'd much of good and evil Spirits, which made them have frightful apprehenſions. But he us'd, they ſaid, ſomtimes to argue ſo ſtrenuouſly that this was no deprav'd imagination, that his Doctor was often put to his ſhifts for an Anſwer. He would on ſuch occaſions compare himſelf to DEMOCRITUS, who for his admirable diſcoverys in Anatomy was reckon'd diſtracted by his fellow Citizens, till HIPPOCRATES cur'd 'em of their miſtake. I confeſs I did not know at firſt what to make of theſe things from the informations of his Acquaintance, till I met with a Letter of Dr. BURTHOGGE to his Siſter, wherin are contain'd certain Querys propos'd to him by HARRINGTON, with a ſtate of his Caſe written by the Doctor, who was his intimat Friend,

and

and a very good judg, whether conſider'd as a Phyſician or a Philoſopher, as appears by his late Treatiſe *of the Soul of the World*, &c. and as I have particular reaſon to affirm from his Letters to my Lady ASHTON, which are all now before me. Among other things the Doctor ſays, that he ever expreſt the higheſt ſatisfaction in thinking of what he had at any time written, as the beſt Service he was capable to do his Country, and ſincerely intended by him to the glory of God, which he thought in ſom meaſure to be the good of mankind: ſo far was he from being under any remorſe of Conſcience on that ſcore, as his ill wiſhers maliciouſly reported. Now, tho I was ſomwhat ſtagger'd concerning the nature of his Diſtemper by Dr. BURTHOGGE's Letter, I grew perfectly amaz'd when I found among his Papers the beginning of a little Treatiſe written by himſelf, wherin (without raillery) he proves 'em to be all mad that thought him ſo with reſpect to what he diſcours'd of Nature, which he maintain'd to work mechanically or mathematically, as BELLINI, BORELLI, Dr. PITCAIRNE, and other eminent men have ſince evidently ſhewn. It appears there that his pretended Viſions of Angels and Devils were nothing elſe but good or bad animal Spirits, and that his Flys and Bees were only Similitudes wherby he us'd to expreſs the various figures and forms of thoſe Particles. I own that he might probably enough be much decay'd in his underſtanding, by reaſon of his great and long weakneſs of body; but I ſhall never be convinc'd that he was delirious in that only inſtance which they allege: and to ſatisfy the Learned in this point (which, in my opinion, is a memorable Story that concerns 'em all) I ſhall ſubjoin his own diſcourſe to this Hiſtory.

41. WERE he really out of order, it had bin his misfortune, not his fault, and was the caſe of ſom of the beſt men that ever liv'd. An action that will better perſuade the world he was not truly himſelf, was his marrying in this Condition. The Lady was a very agreeable woman, whoſe Perſon and Converſation he always admir'd; ſhe was the Daughter of Sir MARMADUKE DORREL of *Buckinghamſhire*, fam'd for wit more than became her pretenſions to good ſenſe, had long liv'd among his Relations with the reſpect of a Friend and a Siſter; but now would needs change the office of a voluntary Attendant for the name of a Wife. It ſoon appear'd that this match was not ſo much diſintereſted as ſhe would pretend, which occaſion'd ſom difference between 'em; but they were quickly reconcil'd, and ſhe was always treated by him afterwards with the higheſt Generoſity, tho ſhe did not uſe him ſo handſomly when they were both young and healthy, and might have made a more ſeaſonable match than at this time. Towards his latter end he was ſubject to the Gout, and enjoy'd little eaſe, but languiſhing and drooping a good while, he fell at laſt into a Palſy, and departed this Life at *Weſtminſter*, the 11*th* of *September*, in the Year 1677 (leaving his Eſtate to his Brother's Children) and lys bury'd there in S. *Margaret*'s Church, on the South ſide of the Altar, next to the Grave of Sir WALTER RALEIGH, with this Inſcription over him: *Hic jacet* JACOBUS HARRINGTON *Armiger (filius maximus natu* SAPCOTIS HARRINGTON *de Rand, in Com. Linc. Equitis aurati, &* JANÆ *uxoris ejus, filiæ* GULIELMI SAMUEL *de Upton in Com. Northamton. Militis) qui obiit ſeptimo die Septembris, ætatis ſuæ ſexageſimo ſexto, anno Dom.* 1677. *Nec virtus, nec animi dotes (arrha licet æterni in animam amoris Dei) corruptione eximere queant corpus.*

42. THUS

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42. THUS dy'd JAMES HARRINGTON, whoſe Name is ſure to live ſo long as Learning and Liberty bear any Reputation in *England*. But tho he did not think ſo highly of himſelf, yet he was ſtrongly perſuaded that his *Oceana* was the Model of an equal Commonwealth, or a Government wherin no Party can be at variance with or gain ground upon another, and never to be conquer'd by any foren Power; whence he concluded it muſt needs be likewiſe immortal: for as the People, who are the materials, never dy; ſo the Form, which is the Motion, muſt (without ſom oppoſition) be endleſs. The *Immortality of a Commonwealth* is ſuch a new and curious Problem, that I could not aſſure my ſelf of the Reader's pardon, without giving him ſom brief account of the Arguments for it, and they run much after this manner. The perfection of Government is ſuch a Libration in the frame of it, that no Man or Men under it can have the intereſt, or (having the intereſt) can have the power to diſturb it with Sedition. This will be granted at firſt ſight, and HARRINGTON appeals to all Mankind, whether his *Oceana* (examin'd by this principle) be not ſuch an equal Government, completely and intirely fram'd in all its neceſſary Orders or fundamental Laws, without any contradiction to it ſelf, to Reaſon, or Truth. If this be ſo (as the contrary dos not yet appear) then it has no internal cauſe of Diſſolution, and conſequently ſuch a Government can never be ruin'd any way; for he farther ſhews (what all Hiſtory cannot contradict) that a Commonwealth, if not firſt broken or divided by Factions at home, was never conquer'd by the Arms of any Monarch from the beginning of the World to this day: but the Commonwealth of *Oceana* having no Factions within, and ſo not to be conquer'd from without, is therfore an equal, perfect, and immortal Government. For want of this equality in the frame he clearly demonſtrats how the Commonwealths of *Rome*, *Athens*, and others, came to be deſtroy'd by their contending and overtopping partys; wheras that of *Venice* can never change or finiſh. He proves that this Equality is yet more wanting in Monarchys, for an abſolute Monarchy (as that of the *Turk*, for example) the *Janizarys* have frequent intereſt, and perpetual power to raiſe Sedition to the ruin of the Emperor, and, when they pleaſe, of the Empire: This cannot be ſaid of the Armys of *Oceana*, and therfore an abſolute Monarchy is no perfect Government. In what they improperly call a mix'd Monarchy the Nobility are ſomtimes putting Chains on the King, at other times domineering over the People; the King is either oppreſſing the People without control, or contending with the Nobility as their Protectors; and the People are frequently in arms againſt both King and Nobility, till at laſt one of the three Eſtates becoms maſter of the other two, or till they ſo mutually weaken one another that either they fall a prey to ſom more potent Government, or naturally grow into a Commonwealth: therfore mix'd Monarchy is not a perfect Government; and if no ſuch Partys or Contentions can poſſibly exiſt in *Oceana*, then on the contrary is it a moſt equal, perfect, and immortal Commonwealth, *Quod erat demonſtrandum.*

43. IT will not be objected to the diſparagement of this Model, that it was no better receiv'd by OLIVER CROMWEL; nor is it fair to judg of things at any time by their Succeſs. If it ſhould be ſaid, that, after the expiration of his Tyranny, the People did not think fit to eſtabliſh it; I ſhall only anſwer, that all the attemts which have bin us'd for introducing Arbitrary Power have prov'd as unfortunat, wher-

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by it appears at leaſt that the Character which TACITUS gave the *Romans* of his time, may as well agree to the People of *England:* and it is, that *They are able to bear neither abſolute Liberty, nor abſolute Slavery.*

CONCLUSION.

I AM diſpos'd to believe that my Lady ASHTON's memory fail'd her, when ſhe ſaid that her Brother was at *Rome* during the Jubilee; for as Chronology ſeems to contradict it, ſo ſhe might eaſily miſtake the Jubilee for the Ceremony of conſecrating Candles, or any other ſolemnity; his remarks being equally applicable to all thoſe of the Popiſh Church. But as to the whole of this Hiſtory, tho it be manag'd with due moderation, and contains nothing but bare matters of fact, or ſuch obſervations as they naturally ſuggeſt; yet I was ſenſible before I wrote it, that I could not eſcape the diſpleaſure of three ſorts of perſons: ſuch as have reſolv'd to be angry at whatever I do; ſuch as neither rightly underſtand what is written by me nor any body elſe; and thoſe who, without any particular ſpite againſt an Author, yet to get a penny will pretend to anſwer any book that makes a conſiderable figure. Therfore I find my ſelf oblig'd beforehand to diſclaim all explanations made of my meaning, beyond what is warranted by the expreſs words of my Book; having conſtantly indeavour'd not only to write intelligibly, but ſo as that none can poſſibly miſunderſtand me. I renounce all the deſigns that may be imputed to me by ſuch as are ſo far from being admitted into my ſecret, that they were never in my company; but I eſpecially diſown whatever is ſaid by thoſe who firſt preſume to divine my thoughts, and then to vent their own raſh conjectures as my undoubted opinions. I ſlight their artifice who, when unable to object againſt the point in queſtion, labor to ingage their Adverſary in matters wholly beſides the purpoſe; and when their Evaſions have no better fortune than their Attacks, fall to railing againſt his Perſon, becauſe they cannot confute his Arguments. I am as much above the malice of ſom, as they are below my reſentments; and I wou'd at any time chuſe to be rather the object of their Envy than of their Favor: but as I am far from thinking my ſelf exemt from all the indiſcretions of Youth, or the frailtys of human Nature; ſo I am not conſcious of entertaining higher thoughts of my own performances than are becoming, or meaner of other mens than they deſerve. I know that to enterprize any thing out of the common road is to undergo undoubted envy or peril; and that he, who is not beforehand reſolv'd to bear oppoſition, will never do any great or beneficial exploit: yet 'tis no ſmall incouragement to me, that from the beginning of the world to this time not a ſingle inſtance can be produc'd of one who either was or would be eminent, but he met with Enemys to his perſon and fame. Notwithſtanding this conſideration be juſt, yet if I write any thing hereafter (either as oblig'd by Duty, or to amuze idle time) I have determin'd it ſhall not concern perſonal diſputes, or the narrow intereſts of jarring Factions, but ſomthing of univerſal benefit, and which all ſides may indifferently read. Without ſuch provocations as no man ought to indure, this is my fix'd reſolution; and I particularly deſire that none may blame me for acting otherwiſe, who force me to do ſo themſelves. I ſhall never be wanting to my own defence, when either the Cauſe or the Aggreſſor deſerves it: for as to thoſe Authors who conceal their names, if they write matters of fact 'tis a ſign they cannot make them good; and all men are agreed to reject their Teſtimony, except ſuch as reſolve to deny others common juſtice: but the ill opinion of theſe prejudic'd perſons can no more injure any man,

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man, than their good opinion will do him honor. Beſides other reaſons of mentioning my ſuppos'd deſigns, one is to diſabuſe ſeveral people who (as I am told) are made to believe that in the Hiſtory of SOCRATES I draw a Parallel between that Philoſopher and JESUS CHRIST. This is a moſt ſcandalous and unchriſtian calumny, as will more fully appear to the world whenever the Book it ſelf is publiſh'd: for that I have bin ſome time about it, I freely avow; yet not in the manner thoſe officious Informers report, but as becoms a diſintereſted Hiſtorian, and a friend to all mankind.

The Inſcription on the Monument *of Sir* JAMES HARRINGTON *and his three Sons, at* Exton *in* Rutlandſhire.

HERE lieth Sir *James Harrington* of *Exton* Kt. with (*a*) *Lucy* his Wife, Daughter to Sir *William Sidney* Kt. by whom he had 18 Children, wherof three Sons and 8 Daughters marry'd as follows.

THE eldeſt Son, Sir (*b*) *John*, marry'd the Heireſs of *Robert Keylwoy* Surveyor of the Court of Wards and Liverys. The 2*d* Son, Sir (*c*) *Henry* took to Wife one of the Coheirs of *Francis Agar*, one of his Majeſty's Privy Council in *Ireland*. The 3*d* Son, *James* (*d*) *Harrington* Eſq; had to Wife one of the Coheirs of *Robert Sapcotes* Eſq; The eldeſt Daughter, *Elizabeth*, was married to Sir *Edward* (*e*) *Montague* Kt. The 2*d*, *Frances*, to Sir *William* (*f*) *Lee* Kt. The 3*d*, *Margaret*, to *Don* (*g*) *Bonitto de Siſnores* of *Spain*, of the Family of the Dukes of *Frantaſquo*. The 4*th*, *Katherine*, to Sir *Edward* (*h*) *Dimmock* Kt. The 5*th*, *Mary*, to Sir *Edward* (*i*) *Wingfield* Kt. The 6*th*, *Maball*, to Sir *Andrew* (*k*) *Noell* Kt. The 7*th*, *Sarah*, was marry'd to the Lord *Haſtings*, Heir to the Earl of *Huntingdon*. The 8*th*, *Theodoſia*, (*l*) to the Lord *Dudley* of *Dudley* Caſtle.

THE ſame Sir *James* and *Lucy* were marry'd fifty years: She died firſt, in the 72*d* year of her Age; he ſhortly after yielded to Nature, being 80 years old, in the year of our Lord 1591, and of Queen *Elizabeth*'s Reign 34. their Son *James* being made ſole Executor to them both; who, that he might as well perform to his Parents their Rites, as leave a Teſtimony of his own Piety to Poſterity, hath erected and dedicated this Monument to their eternal Memory.

(*a*) And Siſter to Sir *Philip Sidney* Kt.

(*b*) Who was afterwards created Ld *Harrington*, and his Lady was Governeſs to the Queen of *Bohemia*. His Family is extinct as to Heirs Male: One of his Daughters was marry'd to the Earl of *Bedford*, and was Groom of the Stole to Q. *Anne*. The other was marry'd to a *Scotch* Lord whoſe name was Lord *Bruce* Earl of *Elgin*; his Grandſon now Lord *Ailsbury*.

(*c*) Who happen'd to be Preſident of *Ireland*; and from him deſcended my Lady *Fretchavil*'s Father, my Lady *Moriſon*, and my Lord *Falkland*'s Lady.

(*d*) Afterwards Baronet: To him were born Sir *Edward Harrington*, Sir *Sapcotes Harrington*, and Mr. *John Harrington*; who had Iſſue both Sons and Daughters.

(*e*) Who was Father to the Lord *Montague*, the Earl of *Mancheſter*, and Lord Privy Seal; and Sir *Sidney Montague*, who was afterwards created Earl of *Sandwich*; and to the Earl of *Rutland*'s Lady, and Judg *Montague*.

(*f*) Who was afterwards created Lord *Chicheſter* and Earl of *Dunſmore*; and marry'd one of his Daughters to the Earl of *Southamton*, by whom he had the preſent Lady *Northumberland*. And his other Daughter marry'd her ſelf to Col. *Villers*, and is now Governeſs to the Lady *Mary* the Duke of *York*'s eldeſt Daughter.

(*g*) Which Dukedom afterwards fell to him; and by this Lady he had one ſole Daughter and Heir, who is ſaid to have marry'd the Duke of *Ferio*, and by him to have had one Daughter, who is marry'd to a King of *Portugal*.

(*h*) Of *Lincolnſhire*, the King's Standard-bearer.

(*i*) An antient noble Family in *Kent*.

(*k*) Now Lord *Cambden*, Owner of the place where this Monument is.

(*l*) One of whoſe Daughters marry'd the Earl of *Hume* in *Scotland*, and had by him two Daughters; one married my Lord *Morrice*, and the other my Lord *Maitland* now Duke of *Lauderdale*. The other Daughter of my Lady *Dudley* was Heir to the Honour of *Dudley* Caſtle; of whoſe Iſſue by the Mother's ſide is the preſent Lord *Dudley*.

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The LIFE of

The Mechanics of Nature:

OR

An Imperfect Treatiſe written by JAMES HARRINGTON during his ſickneſs, to prove againſt his Doctors that the Notions he had of his own Diſtemper were not, as they alleg'd, Hypochondriac Whimſys or Delirious Fancys.

The PREFACE.

HAVING bin about nine months, ſom ſay in a Diſeaſe, I in a Cure, I have bin the wonder of Phyſicians, and they mine; not but that we might have bin reconcil'd, for Books (I grant) if they keep cloſe to Nature muſt be good ones, but I deny that Nature is bound to Books. I am no ſtudy'd Naturaliſt, having long ſince given over that Philoſophy as inſcrutable and incertain: for thus I thought with myſelf; "Nature, to "whom it is given to work as it were under a Veil or behind the Curtain, "is the Art of God: now if there be Arts of Men who have wrought open-"ly enough to the underſtanding (for example that of TITIAN*) ne-"vertheleſs whoſe excellency I ſhall never reach; How ſhall I thus, ſticking "in the Bark at the Arts of Men, be able to look thence to the Roots, or "dive into the Abyſs of things in the Art of God? And nevertheleſs,* Si placidum caput undis extulerit, *ſhould Nature afford me a ſight of her, I do not think ſo meanly of myſelf but that I would know her as ſoon as ano-ther, tho more learned man. Laying therfore Arts wholly, and Books almoſt all aſide, I ſhall truly deliver to the world how I felt and ſaw Nature; that is, how ſhe came firſt into my ſenſes, and by the ſenſes into the underſtand-ing. Yet for the ſake of my Readers, and alſo for my own, I muſt invert the order of my Diſcourſe; For theirs, becauſe, till I can ſpeak to men that have had the ſame Senſations with myſelf, I muſt ſpeak to ſuch as have a like underſtanding with others: For my own, becauſe, being like in this Diſ-courſe to be the Monky that play'd at Cheſs with his Maſter, I have need of ſom Cuſhion on my head, that being in all I have ſpoken hitherto more laid at than my Reaſon. My Diſcourſe then is to conſiſt of two parts: the firſt, in which I appeal to his underſtanding who will uſe his Reaſon, is a Platform of Nature drawn out into certain Aphoriſms; and the ſecond, in which I ſhall appeal to his ſenſes who in a Diſeaſe very common will make farther trial, is a Narrative of my Caſe.*

A Platform or Scheme of Nature.

1. NATURE is the *Fiat*, the Breath, and in the whole Sphere of her activity is the very Word of God.

2. SHE is a Spirit, that ſame Spirit of God which in the begin-ning mov'd upon the Waters, his plaſtic Virtue, the Δύναμις ἡ διαπλα-στικὴ, Ἐνεργεία ζωτικὴ.

3. SHE is the Providence of God in his Government of the things of this world, even that Providence of which it is ſaid, that without it a Sparrow cannot fall to the Ground, *Mat.* 10. 29.

4. SHE

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4. SHE is the *Anima Mundi*, or Soul of the World;

Principio Cœlum, ac Terras, campoſque liquentes,
Lucentemque globum Lunæ, Titaniaque aſtra
SPIRITUS *intus alit, totamque effuſa per artus*
Mens agitat molem, & magno ſe corpore miſcet.
Inde hominum pecudumque genus, vitæque volantum,
Et quæ marmoreo fert monſtra ſub æquore pontus.
Igneus eſt ollis vigor, & cœleſtis Origo
Seminibus, quantum non noxia corpora tardant,
Terrenique hebetant artus, moribundaque membra.
Hinc metuunt, cupiuntque, dolent, gaudentque, neque auras
Diſpiciunt clauſæ tenebris & carcere cæco. Virgil. Æn. l. 6.

5. SHE is infallible: for the Law of an infallible Lawgiver muſt needs be infallible, and Nature is the Law as well as the Art of God.

6. THO Nature be not fallible, yet ſhe is limited, and can do nothing above her matter; therfore no Miracles are to be expected from her.

7. AS Defects, Redundancys, or ſuch other rude qualitys of matter, ought not to be attributed to the Artificer or his Art; ſo neither is Nature, or the Art of God, to be charg'd with Monſters or imperfections, the things ſo reputed being the regular Effects both of the Matter and the Art that forms it.

8. NATURE is not only a Spirit, but is furniſh'd, or rather furniſhes her ſelf with innumerable miniſterial Spirits, by which ſhe operats on her whole matter, as the Univerſe; or on the ſeparat parts, as man's Body.

9. THESE miniſterial Spirits are certain Æthereal Particles inviſibly mix'd with elementary Matter; they work ordinarily unſeen or unfelt, and may be call'd Animal Spirits.

10. AS in ſound Bodys there muſt needs be GOOD SPIRITS managing the Oeconomy of Health; ſo in unſound Bodies, as in chronical Diſeaſes, there muſt needs be EVIL SPIRITS managing the Oeconomy of Diſtempers.

11. ANIMAL Spirits, whether in the Univerſe, or in man's Body, are good or evil Spirits, according to the Matter wherin and wherof they are generated.

12. WHAT is a good Spirit to one Creature, is evil to another, as the food of ſom Beaſts is poiſon to man; whence the gentleneſs of the Dove, and the fierceneſs of the Hauk.

13. BETWEEN the Animal Spirits of the whole or Univerſe, and of the parts, as of man's Body, there is an intercourſe or cooperation which preſerves the common order of Nature unſeen; and in ſom things often foretels or diſcovers it, which is what we call *Preſages*, *Signs*, and *Prodigys*.

14. THE work of good Spirits, as Health for example, is felicitous, and as it were angelical; and that of evil Spirits, as in diſeaſes, is noxious, and as it were diabolical, a ſort of faſcination or witchcraft.

15. ALL Fermentation is caus'd by unlocking, unbinding, or letting looſe of Spirits; as all Attenuation is occaſion'd by ſtirring, working, or provoking of Spirits; and all Tranſpiration by the emiſſion or ſending abroad of Spirits.

16. NOTHING in Nature is annihilated or loſt, and therfore whatever is tranſpir'd, is receiv'd and put to ſom uſe by the Spirits of the Univerſe.

17. SCARCE,

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17. SCARCE any man but at ſom time or other has felt ſuch a motion as Country people call the *Lifeblood*; if in his Ey, perhaps there has flown out ſomthing like a duſky cloud, which is a tranſpiration or emiſſion of Spirits, perhaps as it were a flaſh of Fire, which alſo was an emiſſion of Spirits; but differenc'd according to the matter wherin and wherof they were wrought, as Choler, *&c.*

18. ANIMAL Spirits are ordinarily emitted ſtreaking themſelves into various figures, anſwerable to little arms or hands, by which they work out the matter by Tranſpiration, no otherwiſe than they unlock'd it, and wrought it up in the body by attenuation, that is, by manufacture: for theſe operations are perfectly mechanical, and downright handy work as any in our ſhops or workhouſes.

19. IF we find Nature in her operations not only uſing hands, but likewiſe ſomthing analogous to any Art, Tool, Engin, or Inſtrument which we have or uſe, it cannot be ſaid that Nature had theſe things of men, becauſe we know that men muſt have theſe things of Nature.

20. IN Attenuation and Tranſpiration, where the matter of the Diſeaſe is not only copious but inveterat, the Work will not as I may ſay be inarticulat, as in the trembling call'd the Lifeblood: but articulat, and obviouſly ſo to the ſenſe of the Patient by immediat ſtrokes of the Humor upon his Organs, which ſometimes may be ſtrong enough (tho not ordinarily) to reach another's.

21. NATURE can work no otherwiſe than as God taught her, nor any man than as ſhe taught him.

22. WHEN I ſee a curious piece from the hands of an Apprentice, I cannot imagin that his Maſter was a bungler, or that he wrought not after the ſame manner as his Servant learn'd of him: which I apply to God and Nature.

23. PHYSICIANS ſomtimes take the PRUDENCE of Nature for the PHRENSY of the Patient.

24. IF any man can ſhew why theſe things are not thus, or that they may be otherwiſe, then I have don, and there is ſaid in this part already more than enough; but if they can neither ſhew that theſe things are not thus, nor know how they ſhould be otherwiſe, then ſo far I ſtand my ground, and am now arm'd for my Narrative *Cap a pè.*

'TIS a thouſand pitys that we have not this Narrative, to which no doubt he apply'd theſe Principles, and thence form'd the ſtate of his Diſtemper. But the Manuſcript containing no more, we may however evidently conclude that the Writer of it was not ſo greatly diſorder'd in his thoughts, which are for the moſt part very juſt, and all as cloſe and coherent as any man's

THE

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THE

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Advertiſement to the READER.

THE Reputation of Mr. HARRINGTON's Writings is ſo well eſtabliſh'd, that nothing more is neceſſary than to acquaint the Reader, that no Expence nor Care have been ſpared to make the former and preſent Edition as compleat as poſſible. They contain the whole of Mr. TOLAND's Edition, which was become extremely ſcarce, and ſold at a very high price. To theſe are added the ſeveral political Pieces of our Author, which Mr. TOLAND thought proper to omit in his Edition; a Liberty, which few Readers will excuſe. Moſt of theſe Pieces were republiſh'd by Mr. HARRINGTON at *London*, in one Volume in Quarto, in 1660, under the general Title of *Political Diſcourſes, tending to the Introduction of a free and equal Commonwealth in* England.

I take this opportunity of acknowledging my Obligation to the Rev. Mr. THOMAS BIRCH F. R. S. for obliging the Publick with the Political Diſcourſes above-mentioned.

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THE

GROUNDS and REASONS

OF

MONARCHY

CONSIDER'D:

And Exemplify'd in the SCOTISH Line, out of their own beſt Authors and Records.

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THE PREFACE.

THERE is nothing that has more confounded Knowlege among men, than the reciprocal violences of the Underſtanding and the Will; or, to ſpeak plainly, the Paſſion of the one and Blindneſs of the other: Since ſom by chance or intereſt take up Principles which they force the Underſtanding by ſtrain'd Arguments to maintain; others by the habit of ſom Opinion ſo bewitch the Will into confederacy, that they can never quit it, even after confutation. To remedy this Diſorder, ſince I had reſolv'd with my ſelf to ſay ſomthing to this Point (which tho it be but as a ſmall Wyre, yet the great weight of civil Felicity lys upon it) I know no better Method than to take the Scales from the Eys of the Underſtanding, and ſhew the Will how better to bring about her great Deſign of Good. And in the proſecution of this, I would not ſkirmiſh with every Argument, which had bin a thing of immenſe ſlavery, and not for every Ey; but I choſe rather to ſtrike at the Foundations, that the Underſtanding might loſe its Paſſion, and more freely conſider upon what Quickſands they lay. And in this I needed not to be poſitive, becauſe I undertake a Taſk in which moſt Men are commonly ſucceſsful, that is, to ſupport Error rather than to aſſert Truth. Hence I conſider Kingſhip ſimply, not troubling my ſelf to maintain any other Form, or to conſider Oaths, Ends, Changes of Government, or the particular Neceſſity or Reaſons of Safety: they being diſtinct Conſiderations and Subjects by themſelves. Now if this negative Method ſatisfys not, I ſee no ſuch great cauſe to be diſcourag'd; for, I confeſs, I do not perceive it ſo eaſy a thing to diſcover an Error; and I had rather tell a Man he was out of the way, than by endeavoring to bring him to the end of his Journy, lead him further about. And it is my opinion, that as Scepticiſm is not only uſeleſs, but dangerous; if in ſetting our Thoughts in a poſture of Defence, it makes us abſolutely wavering and incredulous: yet had I rather be ſceptical in my Opinion, than maintain it upon grounds taken upon truſt, and not demonſtrated.

THE Second Part is merely an inſtance accommodated to the Arguments of the Firſt, wherin I would not be underſtood to be a Writer of an Epitome (for I have other Imployments for my Time and Thoughts, and thoſe nobler too) but to ſet down a true Series by way of Example; and therfore I was only to note Acceſſes to Government, and Receſſes from it, with the Effects proceding from the Perſons of Governors. And here as I needed not much trouble Chronology: So leſt it might be a bare Sceleton, I ſprinkled ſom Obſervations that came to hand, and ſeem to afford either Pleaſure or Uſe. Thus much, leſt I might be miſunderſtood, I thought neceſſary to premiſe.

THE

THE GROUNDS and REASONS OF MONARCHY.

The First Part.

I HAVE often thought it ſtrange, that among all the Governments, either paſt or preſent, the *Monarchical* ſhould ſo far in Extent and Number excede the *Popular*, as that they could never yet come into compariſon. I could never be perſuaded but it was more happy for a People to be diſpos'd of by a number of Perſons jointly intereſted and concern'd with them, than to be number'd as the Herd and Inheritance of One, to whoſe Luſt and Madneſs they were abſolutely ſubject; and that any Man of the weakeſt Reaſon and Generoſity would not rather chuſe for his Habitation that Spot of Earth where there was Acceſs to Honour by Virtue, and no Worth could be excluded, rather than that where all Advancement ſhould procede from the Will of one ſcarcely hearing and ſeeing with his own Organs, and gain'd for the moſt part by means leud and indirect: and all this in the end to amount to nothing elſe but a more ſplendid and dangerous Slavery. To clear this Point, I conſider'd how inſcrutably Providence carrys on the turns and ſtops of all Governments, ſo that moſt People rather found than made them. The Conſtitutions of Men, ſom not fit to be Maſters of their Liberty, ſom not capable, ſom not willing; the Ambition of ſettled Tyrants, who breaking their own Bonds have brought in violent Alterations; and laſtly, civil Diſcord have either corrupted or altered better Settlements.

BUT theſe are Obſervations rather than Arguments, and relate to Fact rather than Reaſon. That which aſtoniſh'd me moſt was to ſee thoſe of this heroic and learned Age, not only not riſing to Thoughts of Liberty, but inſtead thereof fooliſhly turning their Wits and Swords againſt themſelvès in the maintenance of them whoſe Slaves they are: and indeed they can be no weak Cauſes that produce ſo long and ſettled a Diſtemper; tho' ſome of thoſe I mention'd, if not moſt of them, are the true ones.

HE knows nothing that knows not how ſuperſtitiouſly the generality of Mankind is given to retain Traditions, and how pertinacious they are in the maintenance of their firſt Prejudices, inſomuch that a Diſcovery or more refin'd Reaſon is as inſupportable to them, as the Sun is to an Ey newly brought out of Darkneſs. Hence Opiniativeneſs (which is commonly proportion'd to their Ignorance) and a generous Obſtinacy ſomtimes to Death and Ruin. So that it is no wonder if we ſee many Gentlemen, whoſe Education inabled them only

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to uſe their Senſes and firſt Thoughts, ſo dazled with the Splendor of a Court, prepoſſeſt with the Affection of a Prince, or bewitch'd with ſom ſubdolous Favor, that they chuſe rather any hazard than the Inchantment ſhould be diſſolv'd. Others, perhaps a degree above theſe, yet in reſpect of ſome Title ſtuck upon the Family (which has bin as fortunat a Myſtery of Kingcraft as any other) or in reverence to ſom glorious former Atchievements (minding not that in all theſe caſes the People are the only effective means, and the King only imaginary) think they ſhould degenerat from Bravery in bringing on a Change. Others are witheld by Sloth and Timorouſneſs, either not daring, or unwilling to be happy: ſom looking no further than their privat Welfare, indifferent at the multiplication of public Evils; others (and theſe the worſt of all) out of a pravity of Nature ſacrificing to their Ambition and Avarice, and in order to that, following any Power, concurring with any Machinations, and ſupporting their Authors: while Princes themſelves (train'd up in theſe Arts, or receiving them by Tradition) know how to wind all their humours to their own advantage, now foiſting the Divinity of their Titles into Pulpits, now amuzing the People with Pomps and Shews, now diverting their hot Spirits to ſom unprofitable foren War (making way to their accurs'd ends of Revenge or Glory, with the effuſion of that Blood which ſhould be as dear to them as their own) now ſtroking the People with ſom feeble but inforc'd Law, for which notwithſtanding they will be paid (and 'tis obſerv'd, the moſt notorious Tyrants have taken this Courſe) now giving up the eminenteſt of their Miniſters (which they part with as indifferently as their Robes) to the Rage and Fury of the People; ſo that they are commanded and condemn'd by the ſame Mouth, and the credulous and ignorant, believing their King divinely ſet over them, ſit ſtill, and by degrees grow into Quiet and Admiration, eſpecially if lull'd aſleep with ſom ſmall continuance of Peace (be it never ſo injuſt, unſound, or dangerous) as if the Body Politic could not languiſh of an internal Diſeaſe, tho its Complexion be freſh and chearful.

THOSE are the Reaſons which (if I conceive aright) have ſtupify'd the leſs knowing part of Mankind. Now, how the more ſearching part have ſo odly miſcarry'd, will fall under conſideration.

FIRST then, we need not take the pains to demonſtrat how eaſy a thing it is for men of Acuteneſs, not converſant in Civil Affairs, not only to miſcarry in the Apprehenſion, but even in their Judgment of them: for they, inſtead of bringing the Series and Reaſon of things into Rule and Method, uſe on the contrary to meaſure them by their own preſuppos'd Speculation; and by that means becom incapable of weighing rightly the various Incidences and Circumſtances of Buſineſs. For it is to be obſerv'd, that the Theorems of no Art or Profeſſion are either more eaſily found, or of more difficult practice than thoſe of Policy; ſo that it is no wonder if Men merely contemplative, fail ſo oft in the very laying of Grounds, as we ſhall anon inſtance. Now how fruitful Daintys Error and Abſurdity are, we all know. But more eſpecially the Contentions of contemplative Men are moſt numerous, various, and endleſs; for wrangling is with them an Art, and they are indu'd with that ungenerous Shame, never to acknowledge their Miſtakes. Moreover, their Principles are moſt times ill-grounded, and it is to be fear'd that in their Superſtructures they as often call in

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their Imaginations as their Judgment to frame Arguments. Beſides, theſe men fighting only with Pen, Ink and Paper, ſeldom arrive at a means to decide the Quarrel, by which he that gains the laſt word is ſuppos'd Conqueror; or the other leaves almoſt as inglorious a Conqueſt to the Victor, as if he had bin overthrown.

THAT which I would infer from all this, is, that the Generality of ſpeculative Men, for the moſt part guiding their Underſtandings by thoſe Notions which they find in Books, fall not ſeldom by this means into conſiderable Errors. For all Books, thoſe I mean that are human, and fall directly under our Conſideration, either lay down practical Things and Obſervations of Kingſhip, or ſom general and univerſal Notions, or elſe controverſially aſſert *Monarchy* againſt ſom Oppoſers. Now in the two latter there are generally found two grand and inſupportable Fallacys, the firſt whereof is, that they fraudulently converſe in Generals, and (to borrow the School-terms) ſpeak of that in the *Abſtract* which they ſhould do in the *Concrete:* As for example, where they ſhould aſſert the particular right of this or that Prince, they cunningly or ignorantly lay out moſt of their Diſcourſe about *Monarchy* in general, and often weary and amaze the Diſpute before they com to the true ground and ſtating of the Quarrel, whereby the Readers (diverted by ſuch Prepoſſeſſion, and entangled by general Notions of Authority, Power and Government) ſeldom deſcend into the conſideration of Particulars, where the great Scruple and Difficulty for the moſt part lys. So that any King (be his Acceſs to the Government never ſo fraudulent and unjuſtifiable) coms to be look'd on as ſacred, authoritative, and by degrees begins not to bluſh at the Attributes of Sacred Majeſty, Grace, and Highneſs, or any other Terms that the ſervil Flattery and witty Barbarity of Courtiers can give to them: nay, ſom even of the wickedeſt of the Roman Emperors could be content to be ſaluted with *Perennitys* and *Divinitys*; whereas if Men would call their Reaſon into counſel, they might find that theſe blazing Stars were opac Bodys, and did ſhine only by Reflection: Theſe Men having no more Luſter than either the Cabal of their own ſtate and diſtance, or the wretched Impoſition upon the People, caſts on them. For did Man deveſt the Authority from the Perſon, they would then commonly find it inconſiderable, if not poſitively evil. And again, conſider Authority in itſelf as a thing fixt, real, immutable, and (when juſtly adminiſter'd) ſacred, they might find, that granting a Prince to be the moſt regular, juſt Perſon in all the world, yet many Men as good join'd with him, intruſted, and concurring to the ſame end, might do much more good; and that to deny this, were to be as irrational as to deny that one Perſon could do any good at all. But however, this I take to be certain and demonſtrable out of their own Principles, that Kings being only to be conſider'd in reſpect of the Truſt and Power lodg'd in them, a number of Men by as juſt means (not to ſay better) inveſted with the ſame Truſt and Power, are every jot as ſacred, and of as much divine Right as any Monarch is, the Power being as eſſentially the ſame, united or divided, as if a Commiſſion be to one or three. It will follow then, that Republics may be as juſt and authoritative as Kingſhips; and then their radical Argument of the *Jure Divino* of Kingſhip is wholly enervated, and the other render'd equally as Soverain. And I am to note (but this is only tranſiently) the Poorneſs, or, to ſay better, the Blaſphemy of that Argument which flouriſhes out

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Kings as the Types of Divinity, and vainly laviſhes ſome Metaphyſics, to prove that all things have a natural tendency to Oneneſs; nay, the itch of ſome merry Wits has carry'd them to run over moſt of the divine Attributes (as ſome Engliſh Lawyers have talk'd of the legal, I muſt ſay phantaſtical Ubiquity and Omniſcience of our Kings, tho' we ſee the contrary; and ſom Civilians have ſaid much about the Emperor before them) whereas they ſhould conſider, that the immenſe Simplicity of God flows out in its ſeveral Operations with ineffable variety, God being every where and the ſame, or, as the *Platoniſts* ſay, a Center in every part of its Circle, a Spirit without Quantity, Diſtance, and Comprehenſion; whereas Man is a determinate narrow Being, who doing one thing, ceaſes to do another, and thinking of one thing is forc'd to quit his former thought. Now how fit he is to be a Shadow of this Archetype, let any judg, unleſs he could be refin'd from his Corporeity, and inlarg'd into a proportionable Immenſity. Beſides, I know not whether it be ſafe to think or no, That as God, who, for the moſt part, indues Men with Gifts ſutable to the places to which he calls them, would in ſom meaſure pour out his Spirit proportionate to theſe Men, wheras moſt commonly we find them, notwithſtanding their extraordinary advantages of Society, Education, and Buſineſs as weak Men as any other: and good Princes being ſway'd by the Advice of Men, good and wiſe, and the bad ſeduc'd by Men of their own Inclinations, what are all Monarchys but in reality Optimacys? for a few only eſſentially govern under the name of one, who is utterly as unable as the meaneſt of thoſe over whom he claims Superiority.

THE ſecond Fallacy is this, That Men, while they labor thus to ſupport Monarchy, tell us not what kind of Monarchy it is, and conſequently gain nothing, tho' we ſhould grant them the former Propoſition be true. For what does it avail to tell me of the Title of ſuch a Prince, if I know not by what Title he holds? Grant it were viſible to me that ſuch a Man was mark'd out by Providence to be my Governor, yet if I cannot tell what kind of one, whether abſolute, mixt, imited, merely executive, or only firſt in order, how ſhall I know to direct my Obedience? If he be abſolute, my very natural Liberty is taken away from me; nor do I know any Power that can make any Man ſuch, the Scripture ſetting juſt limitations and reſtrictions to all Governors. If mixt and limited, I muſt know the due Temper and Bounds whereby he is to rule, or elſe he may uſurp or be miſtaken, and I oppreſt or injur'd. If executive, the Power fundamentally reſides not in him, but in the Great Council, or them intruſted by the People; then I adore only a Shadow. Now if any Prince of *Europe* can really clear up theſe Miſts, and ſhew the Lines of his Government drawn fairly, and his Charter whole and authentic, like that of *Venice* and antient *Rome*, for my part, I'll be the firſt Man ſhall ſwear him Allegiance, and the laſt that will preſerve him. But you will find that they will tell you in general about their Office, and in particular of their Claims of Succeſſion, Inheritance, and Anceſtors; when look but three or four Storys back, and you will meet either ſom ſavage unnatural Intruſion, diſguiz'd under ſom forc'd Title or chimerical Cognation, or elſe ſom violent Alteration, or poſſibly ſom ſlender Oath or Articles, hardly extorted and imperfectly kept. Now if any man that will but run over theſe Rules, and apply them to any Hiſtory whatever (as we ſhall exemplify in that of *Scotland*, upon which for the preſent we have pitcht)

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and not find moſt Titles ambiguous, the Effects of former Monarchys (for where, in a Catalogue of forty Kings, can you almoſt ſhew me three good ones, but things merely ſtrugling to maintain their Titles and domeſtic Intereſt?) ruinous to the People, who for the moſt part conſider them no otherwiſe than as to be reſcu'd from violent Confuſion, not as they conduce to the poſitive Happineſs of a civil Life; I ſay, all this will be found to be true, or my ſmall Converſation in Books is extremely falſe. And truly I conceive reading of Hiſtory to be the moſt rational Courſe to ſet any Judgment right, becauſe it inſtructs by Experience and Effects, and grounds the Judgment upon material Obſervations, and not blindly gropes after Notions and Cauſes, which to him are *tantum non inſcrutabile*; but of that anon. A vain Miſtake under this Topic has bin an erroneous compariſon and application of matters Civil and Military; for Men obſerving that mixt Councils about Generals, Plurality, Equality of Commands, frequent and ſudden Military Alterations, have brought no ſmall Diſtempers and Dangers to ſeveral Governments and Attemts; therefore they preſently conclude, that in Civils alſo it is the ſafeſt to continue a Command in one hand for preventing the like Diſturbances. But here they are deceiv'd; Civil matters conſiſt in long debate, great conſideration, patient expectation, and wary foreſight, which is better to be found in a number of choice experienc'd Heads, than in one ſingle Perſon, whoſe Youth and Vigor of Spirit inables him rather to Action, and fills him with that noble Temerity which is commonly ſo happy in Martial Affairs; that muſt be guided always to improve Occaſions, which are ſeldom to be found again, and, which miſtaken, are to be ſcarcely amended. Beſides, the Ferocity of daring Spirits can hardly be bounded while they ſtand level; ſo that it is no wonder if they extinguiſh all Emulations by putting the Power into the hands of one, wheras in a Commonwealth it is quite otherwiſe: and Factions (unleſs they be cruelly exorbitant) do but poiſe and balance one another; and many times, like the diſcord of Humors upon the natural Body, produce real good to the Government. That ſlender conceit, that Nature ſeems to dreſs out a Principality in moſt of her works, as among Birds, Bees, *&c.* is ſo ſlender indeed (in regard they are no more Chiefs than what they fancy them, but all their Prepotency is merely predatory or oppreſſive; and even Lions, Elephants, Crocodils and Eagles, have ſmall inconſiderable Enemys, of which they ſtand in fear, and by which they are often ruin'd) that the Recital confutes it; and if it were ſo, yet unleſs they cou'd prove their One Man to be as much more excellent than the reſt as thoſe are, and that ſolely too, I ſee not what it would advantage them, ſince to comply with the deſign of Nature in one, they would contradict it in others, where ſhe is equally concern'd. But theſe Philological and Rhetorical Arguments have not a little hinder'd the ſeverer Diſquiſition of Reaſon, and prepoſſeſs'd the more eaſy minds with Notions ſo much harder to be laid aſide, as they are more erroneous and pleaſing.

THESE are the fundamental Errors that have miſled the Judgment; now thoſe which have miſguided the Conſcience, have principally proceded from the Miſinterpretation of Scripture; and therfore ſeeming Sacred, have bin leſs examin'd and doubted, as carrying the moſt Authority. Thus in the Old Teſtament, there being ſuch frequent mention of Kings, which notwithſtanding were given in Wrath, they

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they ſuperſtitiouſly maintain not only the neceſſity, but even the impunity of Kings; wheras we know not their Powers and Limitations, and it is inconſequent to argue, That becauſe *Judea* was ſo govern'd, we ſhould follow the ſame Pattern, when we find neither Precept, Conſequence, nor Neceſſity convincing us. And it is madneſs to think that while the Divine Spirit ſo freely and vehemently exclaims againſt the Iniquity of men, God would authorize it ſo far as to leave it in them only unpuniſhable who ſhould exterminat and reform it. As for the Antiquity from ADAM, it is true, before his Fall his Dominion was large and wide, but it was over the Beaſts that after his Fall learn'd to rebel againſt him; and œconomically, not deſpotically, over his Wife and Children. But what is this to Civil Government? In the New Teſtament (for I the brieflier paſs over this head, in regard it has bin ſo copiouſly treated upon by thoſe under whoſe Profeſſion it falls, and that it does not immediately conduce to my Deſign) the principal Argument has been the meekneſs of CHRIST and his compliance with Civil Powers, which certainly, if he had bin diſpos'd to have reſiſted, ſay they, he could as eaſily have overthrown, as with a few Cords whip the Buyers and Sellers out of the Temple. But he, that was the Wiſdom of his Father, rather thought fit to build up his Kingdom (which is not earthly, nor known of earthly men) in Meekneſs and Obedience to Civil Powers, which are perpetually chang'd and hurry'd at the Will of the firſt Mover, otherwiſe he would never have concern'd himſelf ſo much in giving Dues to CÆSAR, and to God what is God's; intimating the diſtinct Obedience owing by all men, as Chriſtians, and Citizens. When, granting Monarchy the moſt and only lawful Government, yet every one knows, that knows any thing of the *Roman* Story, that AUGUSTUS had no more Title to that Government, than to any of thoſe over whom he uſurp'd, and that his Acceſs to the Government was as fraudulent and violent as could be. Another Error is the miſtaking of the word * *Powers*, when it's clear the Scripture ſpeaks of it in a Latitude, as extending it to all ſorts of eſtabliſhed Governments. Now men have falſly pretended, that thoſe Powers were only meant of Kings; and what by an indiſcrete collation of the places of the Old, and violent wreſtings of others of the New Teſtament, they perfected the other grand Miſtake; which ſince it has bin already clear'd up, and as we ſaid is but collateral with us for the preſent, we ſhall no further mention it.

* Δυνάμεις. Rom. 13.

AS for the alleg'd Examples and Speeches of the primitive Times, I ſee not much in them conſiderable: for tho Inſurrections againſt Princes cannot be produc'd, or rather much is ſaid againſt them, yet we are to conſider, that the Goſpel of CHRIST (which was at that time not much defil'd by the World) engages not to any Domination, but (wholly taken up with its own Extacys, ſpiritual Delights and Expectations) neglects all other Affairs as ſtrange and dangerous. And moreover (tho I know what has bin ſaid to the contrary) I cannot find, after well conſidering thoſe Ages, any probable ground how, if they would have rebel'd, they could have made any Head. They were indeed numerous, but then they had Legionarys among them; and who knows not what an ineffectual thing a People is (be it never ſo deſirous) when overaw'd by the Soldiery? And they were a People (as Greatneſs to God and Man is different) not conſiderable for their worldly Power (for how few eminent Commanders were converted

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converted in the firſt Ages?) but out of his own mere choice, ſo that it was not ſtrange if they could not do much. For God, as he choſe the weakeſt means in planting the Goſpel, even Fiſhermen; ſo in the primitive Propagation he call'd the weaker Men, tho Chriſtianity afterwards grew ample and auguſt, and Kings were proud to give their Names to it.

AS for the Fathers (ſuppoſing them free of their many Adulterations, Interpolations, and all thoſe Errors and Incertaintys which the proceſs of time and fraud of men has foiſted into them) they are to be accepted only as Witneſſes, not as Judges: that is to ſay, they may prove matter of Fact, but none of their words matter of Right; eſpecially if we conſider their Writings, either Homilys, Commentarys, or Controverſys, which are ever directed to another end than this is, and they themſelves (men ſecluded from Buſineſs) are ſo much more unable to judg and reſolve civil Controverſys, in regard the unhappineſs of the latter times has produc'd many Controverſys not known or thought of in thoſe Days, which not falling directly under their Profeſſion, cannot receive any Light or Authority from them.

HAVING thus conſider'd Kingſhip, and how well it has appear'd thro the falſe Lights of the Underſtanding, we ſhall now conſider, whether, taking it by it ſelf, its Foundations be laid upon a Cylinder or upon a Cube: and this, I think, we are the likelieſt to do, if we conſider them in their Rights and Uſes, or, to ſpeak plainer, in their Legality and Policy; ſo that if we find that none of the ways of retaining their Crowns can be authentic except one, and that one makes againſt them, we ſhall ſee we have no juſt cauſes of blind Adoration or implicit Obligation to truckle under any of their Commands. And if again we diſcover that ſort of Government it ſelf is not ſo profitable to the end of civil Happineſs, but rather diametrically oppoſit to it; we may ſuppoſe that men are either ſtrangely obſtinat, or elſe they might eradicat an Error which not only offers ſo many Prejudices to their Underſtanding, but that has ſuch an evil Influence upon their external Welbeing.

WE have then to conſider, that for One man to rule over Many, there muſt neceſſarily be pretended ſome Right, tho it be but colorable; for either he muſt be choſen by the People as their Arbitrator and ſupreme Judg, or elſe he muſt by force of Arms invade them, and bring them to Obedience, which he by force preſerving for his Sons or Succeſſors, makes way for a third Claim, which is Inheritance. A fourth ſome have invented, tho were it real, it is but a difference of the laſt, and I therefore ſhall mention it under that Head. But to the Conſideration.

FIRST therfore Election, ſuppoſing the People, either finding themſelves unable to weild their own Happineſs, or for preventing of Diſorder, make choice of one Man to be ſet over them, it here inſtantly follows, that the Authority is in the People, and flowing from them; for Choice argues a Power, and being elected a Subordination to it; in the end, I mean, tho not in every act. Now there is none choſen but for ſom End, or for ſom Intentions reciprocal betwixt both Partys; for otherwiſe ſuch a choice were but Dotage, and conſequently invalid: Wherefor thus it will follow, that thoſe who pretend to King it upon this Topic, muſt either ſhew a formal Election (which I think many Kings are not able to do) or if he can ſhew one, pro-

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duce alſo the Conditions and Ends for which he was choſen. Now all parts being either implicit or explain'd, let him exhibit the Covenant, that it may be known whether he governs according to it or not; for if he tranſgreſſes, he forfeits, and the others are abſolv'd from their promis'd Obedience. If the Agreement be unwritten or intentional, either Party is relatively ty'd; and then if he dos any thing againſt the welfare of the People (that ſoveraign Law and end of all Governments) the People may not only juſtly ſuppoſe the former Capitulation broken, but even endeavor, by what poſſible means they can, to reſtore themſelves to their former Rights: for why ſhould the making of a compact prejudice any when it is once broken? And here comes in another Fallacy, with which the Aſſertors of Royalty have ſo flouriſh'd, that an Agreement between a People and one Man ſhould deſcend to his Poſterity; wheras it is to be conſider'd, that the People chuſing one man is commonly in conſideration of his Perſon and perſonal Merit; which not being the ſame in his Son (as commonly Familys in the Horizon are in the Meridian, the Founders being braver than any that follow after them) that very intent is fruſtrated and ceaſes; and the People providing for the Happineſs of a few years, which are determinable with incertainty of the latter part of the Life of one man, run themſelves and their Poſterity into an eternal Inconvenience (for any thing they know) of bad Governors. And if the People would never ſo formally agree with him, that in regard of his Merits or felicity of Actions, his Son ſhould be receiv'd in that place, yet would they not ſtand to it, that very Pact expiring with the life of either. For my Father may leave me notionally a Slave in a Tenure (a thing frequent with our Anceſtors) or as Civilians term it, a Feodary, with which I am content, in reſpect of the Advantage it brings me, or becauſe my own Eſtate is too little to be independent, and therefore I think it good prudence to be ſhelter'd under the protection of the greater; but my natural Liberty, that is to ſay, to make my Life as juſtly happy and advantageous to me as I may, he can no more give away from me than my Underſtanding or Eyſight: for theſe are Privileges with which God and Nature have indu'd me, and theſe I cannot be deny'd but by him that will alſo deny me a Being. But to go on, Suppoſe a ſecond Generation ſhould accept the Son, and a third a Grandſon, yet this confirms not a fourth; and the People very impoliticly ſtrengthen and confirm the Power by continuance, and in a manner with their own hands lay the Foundation of Abſoluteneſs; their Governors themſelves growing in Intereſts, increaſing in Alliances and Forces: ſo it is very improbable but that within a little they grow too big and formidable, and leave nothing of Liberty except the Name, and (if they be leſs cunning) not that. A pertinent Example of this, and ſo near us that I cannot paſs it, we ſee in young ORANGE and the *Low Countrys* at this day, who continuing his Progenitors for their ſignal Services, and him for theirs, are now puniſh'd for their generous and indiſcrete rewarding of virtue, that their Liberty was lately almoſt blown up before they well perceiv'd it to be undermin'd, and they are now at charge to maintain their own Oppreſſion. As for that formal Election and Stipulation, who ſees not what a vain and ridiculous cheat it is, they coming with Swords in their hands to demand the Scepter of a weak and ſtupid multitude that appears only to gaze upon the Ceremonys, and whoſe refuſal were ineffectual? but it is a gracious piece of the Cabal of *Tyranny* to deceive the People with Shadows, Fantaſms, and names of Liberty.

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AS for thoſe that intrude by Force, they cannot certainly have the Forhead to infer any Right, they being but, as the Pirate ſaid to ALEXANDER, public and more magnificent Robbers. Certainly theſe are the NIMRODS, the great Hunters, God's Scourges, and the Burdens of the Earth; and whether they be Founders of Empires, or great Captains (as BOCCALIN diſtinguiſhes them) they ought rather to be remember'd with horror and deteſtation, than have that undue Reverence with which they commonly meet.

YET theſe are they that lay the Foundations of Succeſſion, and from theſe do the Succeſſors claim, and enjoy with the leſs reluctance, becauſe the regret of the Violences, and hate of the firſt daily wears out; whether it be by the continuance of Peace that charms men into a love of eaſe, or the continuance of Slavery enfeebles their Minds, that they rather chuſe to look at their preſent Enjoyment than real Happineſs; ſo that it is not ſtrange if the Perſon of their Oppreſſor becomes in time adorable, and he himſelf thinks that confirm'd and juſtify'd to him in proceſs of time, to which in the beginning he had no right. But if we conſider the buſineſs a little higher, we might find that ſince neither the People (as we have prov'd before) have power to make themſelves Vaſſals, and the Intruders themſelves cannot pretend any juſt Title; their Domination is merely illegal, and apt to be ſhaken off with the firſt conveniency, it being every whit as equitable, that theſe men ſhould be judg'd Enemys of Mankind, and condemn'd to die the Death of Parricids for uſurping a power, as NERO for abuſing it. But I would fain aſk the *Regious Defenders*, by what Law they can maintain Governments to be inherent in one, and to be tranſmitted to his Ofspring? If they ſay by the Law of God, I would demand again how they can make this Law appear to me? If they ſay that the Scripture contains the Right and ſacredneſs of Kings, I aſk them again, How they know that God extends that Privilege and Authority to this King? If they ſay, that he is involv'd in the general Right, they do but run into a Circle; unleſs they can ſhow me, that all his Approches to the Government were regular, and ſuch as God was pleas'd with, or elſe God had by ſom Sign and Wonder declar'd his approbation of him; for without theſe two, they muſt make God the Author of Evil, which is impious, and pretend his commiſſion for an unlawful Act; and by the ſame right, any other (as a Tyrant, for example) may pretend it to an Action never ſo unjuſt, it being no inuſual thing to borrow the face of Divinity, even upon ſome foul Impoſtures, as (to forbear further Inſtances) NUMA's Conference with ÆGERIA, SCIPIO's Retirement into the Capitol, and SERTORIUS's white Hart.

Now if they pretend the Law of Nature, they muſt demonſtrat to us, both that ſhe endow'd men with inequal Freedom, and that ſhe ſhap'd out ſuch a Man to rule; whereas it appears on the contrary, that all men naturally are equal: for tho Nature with a noble Variety has made different the Features and Lineaments of Men, yet as to Freedom, till it be loſt by ſome external means, ſhe has made every one alike, and given them the ſame Deſires. But ſuppoſe ſhe had intended ſuch a Family for Government, and had given them ſom illuſtrious Marks, as we read of ſom that had, whether by the imagination of their Mothers, or by Deceit; yet then would Nature fall into a double Irregularity, firſt in deſerting her Method of making all free, and ſe-

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condly in making her general Work merely ſubſervient, and ſecondary to her particular; which how contrary it is to that beautiful Harmony of hers, I need not much inſiſt. Now if they ſay, they are Fathers of the People, and for that reaſon they call themſelves the Heads, inferring the People to be no more than a Trunk, it's only metaphorical, and proves nothing: for they muſt remember, that ſince *Father* has a relation upon which it depends, and upon whoſe removal it vaniſhes, they themſelves cannot bring any ſuch: for by phyſical procreation they will not offer it; and for metaphorical dependence, it will com to nothing, we ſeeing People languiſh when their Princes are fulleſt, and, like Leeches, rather willing to burſt than to fall off; and on the contrary, the People upon the removal of a Prince cheerful and reliev'd. Now if there were ſo ſtrict a Union between theſe two, ſuch a Contrariety and Antipathy could never appear; for certainly when any two Perſons endeavour to gain ground one upon another, there is an enmity, whatever is pretended. Beſides, if theſe men would be Fathers, it were then their duty to do like Fathers, which is to provide for, defend and cheriſh; wheras on the contrary, it is they themſelves that eat the bread out of the mouths of their Children, and thro the groans of the Poor. And wheras Flattery has ſaid, that what they draw up in Vapours they ſend down in ſhowers, yet are we ſure that ſuch rains are for the moſt part unfruitful, if not ominous and infectious. If they pretend the Law of Nations, it were well they would declare to us firſt what this Law is, and whether generally agreed on or no by Nations. If they ſay, yes, they muſt reſolve whether explicitly or implicitly: if they ſay the former, let them produce them; if the latter, they muſt demonſtrat, that all Nations are agreed in ſuch and ſuch Notions, and all men of theſe Nations, ſince every one muſt be of equal capacity: When on the contrary, tho the Underſtandings of moſt men, whom we know or have convers'd with, ſeem to agree in ſom general maxims, but unpoliſh'd, unnumbred, and unmethodiz'd, yet we ſee many Nations differing from us in many things, which we think clearly, fundamentally, and naturally true; neither do Climats and Education only ſo diverſify the Minds of men, but even their Underſtandings, and the different ways of thinking ſo diſtinguiſh even thoſe of one Country, that tho we may pleaſe our ſelves in thinking that all mens thoughts follow the fantaſtical method of ours, yet we might find, if we were perfectly converſant with all men of the World, and well read in their Authors (as we are not with half of them, no, nor any one man with the twentieth part) that there are ſcarce four or five Axioms, excepting as they make a part of the Law of nature, would be univerſally receiv'd. Now (for I have bin the longer by reaſon that this imaginary Law has been ſo held up by the Civilians, and made the ſubterfuge of ſo many conſiderable Diſputes) if it be ſo weak as that we can ſcarce tell whether it has a being or no, for even that which we account the moſt ſacred piece of it, the violation of publick Meſſengers, the *Tartar* and *Muſcovite*, unleſs reſtrain'd by fear, break it every day. What then are the Arguments deduc'd from it? or if there was ſuch a Law, what would it avail ſuch a particular man? for why ſhould other Nations impoſe a Governor where they are not concern'd? And if they pretend this Law as to the preſervation and impunity of their Perſons, the ſame Anſwer will ſerve again, with this addition, That they make an Offender incapable of puniſh-

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ment, which is but to give them a Commiſſion to offend. Now if they run upon that diſtinction of ſuſpending only, and not puniſhing (as if forſooth this kind of People muſt be preſerv'd, tho by the ruin of Mankind, to immediat Vengeance) then I ſay, That Suſpenſion is really a Puniſhment; and if his Demerits can deſerve that, I ſee not but that upon a proportionable Increaſe, they may deſerve Dethronization or Death, as clearly as two and two make four, and four more make eight. If they allege poſitive or municipal Laws, and number *Homages*, they are not much the nearer, ſince that all ſuch Laws are but Rivulets and Branches of them we before examin'd; and ſince we found that thoſe ſpeak ſo little in their favor, that which theſe do cannot ſignify much, eſpecially ſince Princes, who are ever watchful to improve all occaſions of this nature, can either by terror or artifice draw Aſſemblys, or the major part of them, to their own Lure; nay, even the worſt of them have not forgot to be ſolicitous in this caſe. But it muſt be remark'd, That whatever poſitive Laws are repugnant to thoſe general ones, they are injurious, and ought to be repeal'd. And truly it is a ſad Obſervation, that as Monarchs grow, either out of the weakneſs of Government, and (as I may ſay) its Pupilage, as ROMULUS and THESEUS did at *Rome* and *Athens*, or elſe out of the diſeaſe or depravation of it, as CÆSAR again invaded *Rome*: ſo have the People bin never more fond of them, than when Manners were at the higheſt corruption, which ever gave acceſs of ſtrength to them; nor have they more diſtaſted them, than when their Spirits and Diſciplin were the moſt brave and healthful: ſo fatally diſagreeing are true Liberty, which is the very ſource of Virtue and Generoſity, and the impotent Domination of a ſingle Tyrant, who commonly reigns by no other means than the Diſcords of braver Citizens, who can neither indure Equality or Superiority among themſelves, and rather admit a general Vaſſalage, than juſt Equality; or by the Vices of the baſer ſort, which naturally reconcile them and Kings, and concern them both in a bad Example. But ſuppoſe Succeſſion a thing ſacred and inviolable, yet once break and interrupt it, it is little worth, either the Uſurper being to be acknowleg'd regular, or the whole Series daſh'd out of order. Nay, we ſee Aſpirers themſelves either ſo blinded with their Pretences, or with Animoſity, and ſo crying up their own Titles, that it is almoſt impoſſible for any privat Judgment to do right in this caſe, themſelves thwarting one another; and it cannot be in the power of Nature that both ſhould be right. But who can inſtance one Monarch whoſe Crown is come to him by untainted Succeſſion? and what Hiſtory will not confirm the Example I ſhall anon bring? Certainly tho Succeſſion were a thing that had not ſo little reaſon and reality, yet I ſee not why men ſhould with ſuch a ſtrange pertinacy defend it. Matters of Government ought to be manag'd by Prudence; but Succeſſion puts them into the hands of Fortune, when a Child incapable or infirm, under the regiment of a Nurſe, muſt (poſſibly) be Supreme Governor, and thoſe whom either their Abilitys or Virtues fit for it, ſubordinat or laid aſide. But what if the Perſon whom neceſſity has ſet at the ſtern be incapable, lunatic, weak, or vitious, is not this a good way to prevent Controverſys? yet this plainly enervats all good Council, when a King ſhould have need of Tutors, and that a multitude of People ſhould be commanded by one who commands not himſelf; and, when we ſcarce obey even excellent Princes, to adore Shadows and weak ones.

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AS for BOXHORNIUS's distinction of Succession, wherin the next Heir must necessarily succede by the original Right of the former, I would ask him, whether the Predecessor were a Possessor or Usufructuary? If the first, all our former Arguments fall on him; if the latter, it makes not for his Successor, the People being Owners: and besides, the distinction is one of his own coining, never pretended before; upon the first controversy it is invalid, altho the first Founder had a Right, as we have prov'd the contrary.

HAVING, with what brevity I could, brought to an end my first Intention, I shall now fall upon the second, which is the intrinsic value and expediency of this Government, and som little comparison with others; but herein we shall be short, and only so far as concerns this. And indeed it is a business so tickliſh, that even Mr. HOBS in his piece *de Cive*, tho he assur'd himself that the rest of his Book (which is principally calculated for the assertion of Monarchy) is demonstrated, yet he douts whether the Arguments which he brings to this business be so firm or not; and MALVEZZI contrarily remonstrats (in his Discourses upon TACITUS) that Optimacys are clearly better than Monarchys, as to all advantages. And indeed if we look on the Arguments for Monarchy, they are either Flourishes, or merely Notions; such are the reference and perfection of Unity, which, say they, must needs work better and more naturally as one simple cause (besides that it stills and restrains all other claims) than many coordinat: whereas they never consider that tho among many joint Causes there may be some jarring, yet like cross Wheels in an Engine, they tend to the regulation of the whole. What violent Mischiefs are brought in by the Contentions of Pretenders in Monarchys, the Ambiguitys of Titles, and lawless Ambition of Aspirers? wheras in a settled Republic all this is clear and unperplex'd; and in case any particular man aspires, they know against whom to join, and punish as a common enemy. As for that reason which alleges the advantage of Secresy in business, it carries not much with it, in regard that under that even most pernicious designs may be carried on; and for wholsom Councils (bating som more nice Transactions) it matters not how much they be tost among those who are so much intrusted and concern'd in them, all bad designs being never in probability so feeble and ineffectual, as when there are many eyes to overlook them, and voices to decry them. As for that expedition in which they say Monarchs are so happy, it may as well further a bad intention, as give effect to a just Council, it depending on the Judgment of a single man, to whose will and ends all must refer; wheras a select number of intrusted Persons may hasten every opportunity with a just slowness as well as they, tho indeed (unless it be in som Military critical Minutes) I see not such an Excellency in the swiftness of heady Dispatch, precipitation in Councils being so dangerous and ominous. As for what concerns privat Suitors, they may as speedily and effectually (if not more) be answer'd in staid Republics, as in the Court of a King, where Bribery and unworthy Favorits do not what is just, but what is desir'd.

WITH these and many others as considerable (which partly willingly, and partly in this penury of Books, forgettingly I pass) do they intend to strengthen this fantastical and airy Building; but as sly Controverters many times leave out the principal Text or Argument, because should it be produc'd, it could not be so easily answer'd: so

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theſe men tell us all the Advantages of Monarchy, ſuppoſing them ſtill well ſettled, and under virtuous men; but you ſhall never hear them talk of it in its corrupt ſtate under leud Kings and unſettled Laws; they never let fall a word of the dangers of Interreigns, the Minoritys and Vices of Princes, Miſgovernments, evil Councils, Ambitions, Ambiguitys of Titles, and the Animoſitys and Calamities that follow them, the neceſſary Injuſtices and Oppreſſions by which Monarchs (uſing the Peoples Wealth and Blood againſt themſelves) hold them faſt in their Seats, and by ſome ſuſpenſion of Divine Juſtice, dy not violently.

WHEREAS other Governments, eſtabliſh'd againſt all theſe Evils, being ever of Vigor and juſt Age, ſettled in their own Right, freed from pretences, ſerv'd by experienc'd and engag'd Councils, and (as nothing under the Moon is perfect) ſometimes gaining and advantag'd in their Controverſys, which have not ſeldom (as we may ſee in Old *Rome*) brought forth good Laws and Augmentations of Freedom; wheras once declining from their Purity and Vigor, and (which is the effect of that) raviſh'd by an Invader, they languiſh in a brutiſh Servitude, (Monarchy being truly a Diſeaſe of Government) and like Slaves, ſtupid with harſhneſs and continuance of the laſh, wax old under it, till they either arrive at that Period which God preſcribes to all People and Governments, or elſe better Stars and Poſterity awaken them out of that Lethargy, and reſtore them to their priſtin Liberty, and its daughter Happineſs.

BUT this is but to converſe in Notions, wandring, and ill abſtracted from things; let us now deſcend to practical Obſervation, and clearly manifeſt out the whole Series of Time and Actions, what Circumſtances and Events have either uſher'd or follow'd one Race of Kings, That if there were all the Juſtice in the world that the Government of a Nation ſhould be intail'd upon one Family, yet certainly we could not grant it to ſuch a one whoſe criminal Lives and formidable Deaths have bin Evidences of God's Wrath upon it for ſo many Generations.

AND ſince no Country that I know yields ſuch an illuſtrious Example of this as *Scotland* dos, and it may be charity to bring into the way ſuch as are miſled, I have pitch'd upon the *Scotiſh* Hiſtory, wherin as I have only conſulted their own Authors, as my fitteſt Witneſſes in this caſe; ſo have I (not as a juſt Hiſtory, but as far as concerns this purpoſe) faithfully, and as much as the thing would permit, without gloſſes repreſented it: ſo that any calm Underſtanding may conclude that the Vengeance which now is level'd againſt that Nation, is but an attendant of this new introduc'd Perſon; and that he himſelf, tho for the preſent he ſeems a *Log* among his Frogs, and ſuffers them to play about him, yet God will ſuffer him (if the *Engliſh* Army prevents not) to turn *Stork* and devour them, while their Crys ſhall not be heard, as thoſe that (in ſpite of the warning of Providence, and the light of their own Reaſons, for their own corrupt Intereſt and greedy Ambition) brought theſe Miſerys upon themſelves.

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An Inſtance of the preceding REASONS *out of the* SCOTISH HISTORY.

The Second Part.

AND now we com to our main buſineſs, which is the review of Story, wherin we may find ſuch a direct and uninterrupted Series, ſuch mutual Endearments between Prince and People, and ſo many of them crown'd with happy Reigns and quiet Deaths (two ſucceſſively ſcarce dying naturally) that we may conclude, they have not only the moſt reaſon, but a great deal of excellent Intereſt who eſpouſe the Perſon and Quarrel of the hopeful Deſcendent of ſuch a Family: nor ſhall we be ſo injurious to the Glory of a Nation, proud with a Catalogue of Names and Kings, as to expunge a great part of their number; tho ſom, who have done it, affirm there can be no probability that they had any other being than what HECTOR BOYES, and the black book of *Paſley* (out of which BUCHANAN had moſt of his Materials) are pleas'd to beſtow on them, there being no mention of the name of *Scot* in any Authentic Writer, till four hundred years after CHRIST. No, we ſhall no more envy theſe old Heroes to them, than their placing the Red Lion in the dexter Point of their Eſcucheon. But tho we might in juſtice reject them as fabulous and monkiſh, yet ſince they themſelves acknowlege them, and they equally make againſt them, we ſhall run them over like genuin
1. Hiſtory. The firſt of this bleſſed Race was FERGUS; firſt General, and afterwards got himſelf made King: but no ſooner caſt away on the Coaſt of *Ireland*, but a Contention ariſes about the validity of their Oath to him, and Uncles are appointed to ſuccede, which argues it
2. Elective: ſo FERITHARIS Brother to FERGUS is King, but his Nephew forms a Conſpiracy againſt him, forces him to reſign and fly to the Iles, where he dy'd. FERITHARIS dying ſoon after, was
3. ſuſpected to be poiſon'd. After him coms in MAIN (FERGUS's ſecond Son) who with his Son DORNADILLA, reign'd quietly fifty
4. ſeven years. But REUTHER his Son not being of age, the People
5. make his Uncle NOTHAT take the Government; but he miſruling,
6. REUTHER, by the help of one DOUAL, rais'd a party againſt him, and beheads him, makes himſelf King with the indignation of the People that he was not elected: ſo that by the Kindred of NOTHAT he is fought, taken, and diſplac'd; but afterwards makes a Party, and regains. His Son THEREUS was too young, ſo that his Brother RHEU-
7. THA ſucceeded, but after ſeventeen years was glad to reſign. Well,
8. THEREUS reigns, but after ſix years declines to ſuch Leudneſs that they force him to fly, and govern by a *Prorex*. After his Death
9. 10. JOSINA his Brother, and his Son FINAN are Kings, and quietly dy ſo.

11. BUT then coms DURST, one who ſlays all the Nobility at a Banquet, and is by the People ſlain. After his Death the validity of the Oath to FERGUS is call'd in queſtion, and the elective Power vin-
12. dicated; but at length EVEN his Brother is admitted, who tho he rul'd

rul'd valiantly and well, yet he had GILLUS a Baſtard Son, *Vafer & Regni cupidus.* The next of the Line are Twins, DOCHAM and DORGAL, Sons of DURST: they while they diſputed about priority of Age, are, by the artifice of GILLUS, ſlain in a Tumult; who makes a ſtrong Party, and ſeizing of a Hold, ſays he was made Superviſor by his Father, and ſo becoms King, cuts off all the Race of DURST: but is after forc'd out of the Kingdom, and taken by EVEN the Second his Succeſſor (who was choſen by the People) and by him put to death in *Ireland.* After EVEN coms EDER: after EDER his Son EVEN the Third, who for making a Law, that the Nobility ſhould have the enjoyment of all new marry'd Women before they were touch'd by their Huſbands, was doom'd to Priſon during his Life, and there ſtrangl'd. His Succeſſor was his Kinſman METELLAN: after whom was elected CARATAC, whom his Brother CORBRET ſucceded. But then came DARDAN (whom the Lords made to take on him the Government, by reaſon of the Nonage of CORBRET's Son) who for his Leudneſs was taken by the People, and beheaded. 12. 13. 14. 15. 16. 17. 18. 19. 20.

AFTER him CORBRET the Second, whoſe Son LUCTAT for his Leudneſs was by the People put to death; then was elected MOGALD, who following his vitious Predeceſſors ſteps, found his Death like theirs violent. 21. 22. 23.

HIS Son CONAR, one of the Conſpirators againſt him, ſucceded, but miſgoverning, was clapt in Priſon, and there dy'd. 24.

ETHODIUS his Siſter's Son ſucceded, who was ſlain in the night in his Chamber by his Piper. 25.

HIS Son being a Minor, SATRAEL his Brother was accepted, who ſeeking to place the Succeſſion in his own Line, grew ſo hateful to the people, that, not daring to come abroad, he was ſtrangl'd in the night by his own Servants, which made way for the youngeſt Brother 26.

DONALD, who outdid the others Vices by contrary Virtues, and had a happy Reign of one and twenty years. 27.

ETHODIUS the Second, Son of the firſt of that name, was next, a dull inactive Prince, *Familiarium tumultu occiſus.* 28.

HIS Son ATHIRCO promis'd fair, but deceiv'd their expectations with moſt horrid Leudneſs, and at length vitiated the Daughters of NATHALOCK a Nobleman, and caus'd them to be whipt before his eys; but ſeeing himſelf ſurrounded by Conſpirators, eluded their Fury with his own Sword; his Brother and Children being forc'd to fly to the *Picts.* NATHALOCK, turning his Injury into Ambition, made himſelf King, and govern'd anſwerably; for he made moſt of the Nobility to be ſtrangl'd, under pretence of calling them to Council, and was after ſlain by his own Servants. 29. 30.

AFTER his Death ATHIRCO's Children were call'd back, and FINDOC his Son, being of excellent hopes, accepted, who made good what his Youth promis'd: he beat in ſundry Battles DONALD the Ilander; who ſeeing he could not prevail by force, ſent two as Renegados to the King, who (being not accepted) conſpire with his Brother, by whoſe means one of them ſlew him with a Spear when he was hunting. 31.

HIS Brother DONALD ſuccedes (the youngeſt of the three) who, about to revenge his Brother's Death, hears the Ilander is enter'd *Mur-* 32.

ray; whom he incountring with inequal Forces, is taken Priſoner with thirty of the Nobility, and whether of Grief, or his Wounds, dy's in Priſon.

33. THE Ilander that had before uſurp'd the Name, now aſſum'd the Power (the Nobles, by reaſon of their kindred Priſoners, being over-aw'd) This man wanting nothing of an exquiſit Tyrant, was, after twelve years Butcherys, ſlain by CRATHLINTH Son of FINDOC, who under a diſguiſe found Addreſs and Opportunity. The brave
34. Tyrannicid was univerſally accepted, and gave no cauſe of Repentance; his Reign is famous for a War begun between the *Scots* and *Picts* about a Dog (as that between the *Trojans* and *Italians* for a white Hart) and the defection of CARAUSIUS from DIOCLESIAN, which happen'd in his time.

35. HIS Kinſman FINCORMAC ſucceeded, worthy of memory for little but the Piety of the *Culdys* (an Order of religious Men of that time overborn by others ſucceding) He being dead, three Sons of his
36. three Brothers contended for the Crown: ROMACH, as the eldeſt, ſtrengthen'd by his Alliance with the *Picts*, with their aſſiſtance ſeiz'd on it, forcing others to fly; but proving cruel, the Nobility conſpir'd and ſlew him.

37. ANGUSIAN, another Pretender, ſuccedes, who being aſſail'd by NECTHAM King of the *Picts*, who came to revenge ROMACH, routed his Army in a pitcht Battel; but NECTHAM coming again, he was routed, and both he and NECTHAM ſlain.

38. FETHELMAC, the third Pretender, came next, who beating the *Picts*, and waſting their Fields, HERGUST, when he ſaw there could be no advantage by the Sword, ſuborn'd two *Picts* to murder him, who drawing to conſpiracy the Piper that lay in his Chamber (as the manner was then) he at the appointed time admitted them, and there ſlew him.

39. THE next was EVGEN Son of FINCORMAC, who was ſlain in a Battel with the *Picts* to the almoſt extirpation and baniſhment of the *Scots*; but at laſt the *Picts*, taking diſtaſt at the *Romans*, en-
40. ter'd into a ſecret League with the *Scots*, and agreed that FERGUS (whoſe Uncle the laſt King was) being then in baniſhment, and of a military breeding and inclination, ſhould be choſen King. With him the *Danes* maintain'd a long War againſt the *Romans*, and pull'd down the *Picts* wall: at laſt he and the King of *Picts* were in one day ſlain in a Battel againſt them. This Man's acceſs to Government was ſtrange, *ignotus Rex ab ignoto populo accerſitus*, and may be thought temerarious; he having no Land for his People, and the *Roman* Name inimical; yet founded he a Monarchy, there having been Kings ever ſince; and we are to note, this is the firſt man that the founder Writers will allow to be real and not fabulous. Him ſucceded his Son
41. EUGENIUS (whoſe Grandfather GRAHAM, had all the power) a warlike Prince, whom ſome ſay ſlain, ſome dead of a diſeaſe. After
42. him his Brother DONGARD, who after the ſpending of five ſuperſtitious years, left the Crown (as they call it) to his youngeſt Bro-
43. ther CONSTANTIN; who from a good privat Man turn'd a leud Prince, and was ſlain by a Nobleman, whoſe Daughter he had raviſh'd.
44. He was ſucceded by CONGAL, CONSTANTIN's Son, who came a tolerable good Prince to a looſe People; and having ſpent ſom two and twenty years in ſlight excurſions againſt the *Saxons*, left the rule

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to his Brother GORAN, who notwithſtanding he made a good League againſt the *Britans*, which much conduc'd to his and the Peoples ſettlement, yet in requital, after thirty four years, they made away with him; which brought in EUGENIUS, the Third of that name, the Son of CONGAL, who was ſtrongly ſuſpected to have a hand in his Death, inſomuch that GORAN's Widow was forc'd to fly into *Ireland* with her Children. This man in thirty three years time did nothing but reign, and make ſhort Incurſions upon the Borders; he left the Rule to his Brother CONGAL, a monaſtical, ſuperſtitious, and inactive Prince, who reign'd ten years. KINNATEL his Brother was deſign'd for Succeſſor; yet AIDAN the Son of GORAN laid his claim, but was content to ſuſpend, in reſpect of the Age and Diſeaſes of KINNATEL, which after fourteen Months took him out of the World, and clear'd the controverſy, and AIDAN by the conſent of COLUMBA (a Prieſt that govern'd all in thoſe days) came to be King; a Man that, after thirty four years turbulently ſpent, being beaten by the *Saxons*, and ſtruck with the Death of COLUMBA, dy'd of Grief. 45. 46. 47. 48. 49.

AFTER him was choſen KENNETH, who has left nothing behind him but his Name. Then came EUGENIUS the Fourth, the Son of AIDAN (ſo irregular is the *Scots* Succeſſion, that we ſee it inverted by Uſurpation or croſs Elections in every two or three Generations) This man left an ambiguous Fame; for HECTOR BOETIUS ſays he was peaceable; the Manuſcript, implacably ſevere: He reign'd ſixteen years, and left his Son FERCHARD Succeſſor, who, endeavoring to heighten the Prerogative by the Diſſenſions of the Nobility, was on the contrary impeach'd by them, and call'd to an account, which he denying, was clapt in Priſon, where he himſelf ſav'd the Executioner a labor. So that his Brother DONALD ſucceded, who being taken up with the Piety of thoſe days, left nothing memorable, except that he in perſon interpreted *Scots* Sermons to the *Saxons*. He was follow'd by his Nephew FERCHARD, Son to the firſt of that Name, a thing like a King in nothing but his Exorbitancys, who in hunting was wounded by a Wolf, which caſt him into a Fever, wherin he not obſerving the impos'd Temperance, brought on himſelf the louſy Diſeaſe; upon which diſcomforted, he was by the perſuaſion of COLMAN (a religious man) brought out in his Bed cover'd with Hair-Cloth, where he made a public Acknowlegement to the People, and ſoon after dy'd. MALDWIN, DONALD's Son, follow'd, who after twenty years ignoble Reign was ſtrangled by his Wife. EUGENIUS the Fifth ſucceded, Son (they ſay) of King DONGARD, tho Chronology ſeems to refute it. This man ſpent five years in ſlight Incurſions, and was ſucceded by EUGENIUS the Sixth, Son of FERCHARD. This man is famous for a little Learning, as the times went, and the Prodigy of raining Blood ſeven days, all Milkmeats turning into blood. AMBERKELLETH, Nephew to EUGENIUS the Fifth, who ſucceded this rude Prince, while he was diſcharging the burthen of Nature, was ſlain by an Arrow from an unknown hand. EUGENIUS the Seventh follow'd, who being attemted by Conſpirators, had his new marry'd Wife ſlain in bed beſide him; for which he being accus'd, produc'd the Murderers before his Trial, and was acquitted, and ſo ended the reſt of his 17 years in Peace, recommending to the People MORDAC, ſon of AMBER- 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60.

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KELLETH, who continuing a blank Reign, or it may be a happy
61. one, in regard it was peaceable, left it to ETFYN Son of EUGENIUS the Seventh: the firſt part of his Reign was peaceable; but Age obliging him to put the Government into the hands of four of his Servants, it happen'd to him, as it dos to other Princes, whoſe Fortunes decay commonly with their Strength, that it was very unhappy
62. and turbulent: Which Miſerys EUGENIUS the Eighth, Son of MORDAC, reſtrain'd. But he, it ſeems, having a Nature fitter to appeaſe Tumults than to enjoy Reſt, at the firſt enjoyment of Peace broke into ſuch Leudneſs, that the Nobility at a meeting ſtab'd him,
63. and made way for FERGUS the Son of ETFYN, one like his Predeceſſor in manner, death, and continuance of Reign, which was three years; the only diſſimilitude was, that the latter's Wife brought his Death; for which others being impeach'd, ſhe ſtept in and confeſt it;
64. and to avoid puniſhment, puniſh'd her ſelf with a knife. SOLUATH, Son of EUGENIUS the Eighth, follow'd him, who tho his Gout made him of leſs Action, yet it made his Prudence more viſible, and
65. himſelf not illaudable: His Death brought in ACHAIUS the Son of ETFYN, whoſe Reign was innobled with an *Iriſh* War, and many learned Men; beſides the Aſſiſtance lent HUNGUS to fight againſt the *Northumbrians*, whom he beat in a famous Battel, which (if I may mention the matter) was preſignify'd to HUNGUS in a Dream, St. *Andrew* appearing to him, and aſſuring him of it; and in the time of Battel a white Croſs (that which the Heralds call a Saltier, and we ſee commonly in the *Scots* Banners) appear'd in the Sky; and this I think to have bin the occaſion of that bearing, and an Order of Knights of St. *Andrew*, ſometimes in reputation in *Scotland*, but extinguiſh'd, for aught I can perceive, before the time of JAMES the Sixth, tho the Collar and Pendant of it are at this day worn about the *Scots*
66. Arms. To this man CONGAL his Couſin ſucceded, who left nothing behind him but five years to ſtretch out the account of time.
67. DONGAL the Son of SOLUATH came next, who being of a Nature fierce and inſupportable, there was an endeavour to ſet up ALPIN ſon of ACHAIUS, which Deſign by ALPIN himſelf was fruſtrated, which made the King willinger to aſſiſt ALPIN in his pretenſion to the Kingdom of *Picts*; in which Attemt he was drown'd, and
68. left to ALPIN that which he before had ſo nobly refus'd, who making uſe of the former, rais'd an Army, beat the *Picts* in many ſignal Victorys; but at laſt was ſlain by them, leaving his name to the Place
69. of his Death, and the Kingdom to his Son KENNETH. This man ſeeing the People broken with the late War, and unwilling to fight, drew them on by this Subtilty; he invites the Nobility to dinner, and after plying them with drink till midnight, leaves them ſleeping on the floor (as the manner was) and then hanging Fiſhſkins about the Walls of the Chamber, and making one ſpeak thro a Tube, and call them to war; they waking, and half aſleep, ſuppos'd ſomthing of Divinity to be in it, and the next morning not only conſented to War, but (ſo ſtrange is deluded imagination) with unſpeakable Courage fell upon the Enemy and put them to the rout; which being confirm'd by other great Victorys, utterly ruin'd the *Pictiſh* Name. This man may be added to the two FERGUSES, and truly may be ſaid to be the Founder of the *Scots* Empire, not only in making that the middle of his Dominion, which was once the bounds, but in confirming his

Acqui-

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Acquiſitions with good Laws, having the opportunity of a long Peace, which was ſixteen years, his whole time of Government being twenty. This was he that plac'd that Stone, famous for that illuſory Prophecy, *Ni fallat fatum*, &c. (which firſt was brought out of *Spain* into *Ireland*, and from thence into *Argyle)* at *Scoon*; where he put it in a Chair, in which all his Succeſſors (till EDWARD the firſt brought it away) were crown'd, and ſince that all the Kings of *England*, till the happineſs of our Commonwealth made it uſeleſs. His Brother DONALD was his Succeſſor, a man made up of extremitys of Vir- 70.
tues and Vices; no man had more bravery in the Field, nor more Vice at home, which increaſing with his years, the Nobility put him in priſon, where either for fear or ſcorn he put an end to his days, leaving behind him his Brother CONSTANTIN, a Man wanting no- 71.
thing of him but his Vices, who ſtrugling with a potent Enemy (for the *Picts* had call'd in the *Danes)* and driving them much into deſpair (a Bravery that has not ſeldom rain'd many excellent Captains) was taken by them, put into a little Cave, and there ſlain. He was ſuc-
ceded by ETHUS his Brother, who had all his eldeſt Brother's Vices, 72.
and none of his ſecond's Virtues; Nature, it ſeems, making two extremes and a middle in the three Brethren. This man voluptuous and cowardly, was forc'd to reſign; or, as others ſay, dy'd of Wounds receiv'd in a Duel from his Succeſſor, who was GREGORY Son of 73.
DONGAL, who was not only an excellent Man, but an excellent Prince, that both recover'd what the others had loſt, and victoriouſly travers'd the northern Countys of *England*, and a great part of *Ireland*; of whoſe King a Minor, aud in his power, he generouſly made no advantage, but ſettled his Country, and provided faithful and able Guardians for him. Theſe things juſtly yield him the name of *Great*, DONALD Son of CONSTANTIN the Second, by his re- 74.
commendation, ſucceded in his Power and Virtues, notwithſtanding ſome ſay he was remov'd by Poiſon. Next was CONSTANTIN 75.
the Third, Son of ETHUS, an unſtable perſon, who aſſiſted the *Danes*, which none of his Predeceſſors would do; and after they had deſerted him baſely, yet yielded them Succors, conſiſting of the chief of the *Scots* Nobility, which with the whole *Daniſh* Army were routed by the *Saxons*. This ſtruck him ſo, that he retir'd among the *Culdys* (which were as the Greec Caloyers, or Romiſh Monks at this day) and there bury'd himſelf alive. After him was MILCOM, Son of 76.
DONALD the Third, who tho a good Prince, and well ſkill'd in the Arts of Peace, was ſlain by a Conſpiracy of thoſe to whom his Virtue was burdenſom. His Succeſſor was INDULF (by what Title I find 77.
not) who fighting with the *Danes* that with a Navy unexpectedly came into the *Frith*, was ſlain. DUF his Son ſuccedes, famous for an Accident, 78.
which if it be true, ſeems nearly diſtant from a Fable. He was ſuddenly afflicted by a ſweating Diſeaſe, by which he painfully languiſh'd, yet nobody could find the cauſe, till at laſt a Girl that had ſcattered ſom words, after torments, confeſt that her Mother and ſom other women had made an Image of Wax, which, as it waſted, the King ſhould waſt, by ſweating much: the place being diligently ſearch'd, it was found accordingly; ſo the Image being broke, he inſtantly recover'd. That which diſturb'd his five years Reign was the turbulency of the Northern People, whom when he had reduc'd and taken, with intent to make exemplary Puniſhment, DONALD the

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Commander of the Caſtle of *Forres*, where he then lay, interceded for ſom of them; but being repuls'd, and exaſperated by his Wife, after he had made all his Servants drunk, ſlew him in his Bed, and buried him under a little Bridg (leſt the cutting of Turfs might diſcover a Grave) near *Kilros* Abby; tho others ſay, he turn'd aſide a River, and after he had bury'd him, ſuffer'd it to take its former
79. Chanel. CULEN the Son of INDULF, by the Election of Parlament, or Convention of the People, ſucceded, good only in this one Action, of inquiring and puniſhing his Predeceſſor's Death; but after, by the neglect of Diſcipline, and the exquiſiteneſs of his Vices, became a Monſter, and ſo continued three years, till being weakned and exhauſted in his Body, and vext with perpetual Diſeaſes, he was ſummon'd by the Parlament, and in the way was ſlain by a *Thane* (ſo they then call'd Lieutenants of Counties) whoſe Daughter he had raviſh'd.

80. THEN came KENETH, Brother to DUF (tho the forepart of his Reign was totally unlike his) who being invaded by the *Danes*, beat them in that famous Battle, which was won by the three HAYS, Huſbandmen (from whom all the HAYS now give three Shields Gules) who with their Sythes reinforc'd the loſt Battle; but in his latter time he loſt his reputation, by poiſoning MILCOLM Son of DUF, to preſerve the Crown for a Son of his Name, tho of leſs merit (for ſays BUCHANAN, *They uſe to chuſe the fitteſt, not the neareſt)* which being don, he got ordain'd in a Parlament, that the Succeſſion ſhould be lineal, the Son ſhould inherit, and be call'd Prince of *Scots*; and if he were a Minor, be govern'd by ſom wiſe Man (here coms the pretence of Succeſſion, wheras before it was clearly Elective) and at fifteen he ſhould chuſe his Guardian himſelf. But the Divine Vengeance, which ſeldom, even in this life, paſſes by Murder, overtook him; for he was enſnar'd by a Lady, whoſe Son he had caus'd to be executed, and ſlain by an Arrow out of an Ambuſh ſhe had laid.

81. CONSTANTIN the Son of CULEN, notwithſtanding all the Artifice of KENNETH, by his reaſoning againſt the Act, perſwaded moſt of the Nobility to make him King, ſo that MILCOLM the Son of KENNETH and he made up two Factions, which tore the Kingdom; till at length MILCOLM's Baſtard Brother (himſelf being in *England* aſſiſting the *Danes)* fought him, routed his Army, and with the loſs of his own Life took away his, they dying of mutual
82. Wounds. GRIME, of whoſe birth they do not certainly agree, was choſen by the *Conſtantinians*, who made a good Party; but at the Interceſſion of FORARD (an accounted Rabbi of the times) they at laſt agreed, GRIME being to enjoy the Kingdom for his Life, after which MILCOLUMB ſhould ſuccede, his Father's Law ſtanding in force. But he, after declining into Leudneſs, Cruelty and Spoil (as Princes drunk with Greatneſs and Proſperity uſe to do) the People call'd back MILCOLUMB, who rather receiving Battle than giving it (for it was upon Aſcenſion-day, his principal Holy-day) routed his Forces, wounded himſelf, took him, pull'd out his Eyes, which altogether made an end of his Life, all Factions and Humors being reconcil'd.

83. MILCOLUMB, who with various Fortune fought many ſignal Battles with the *Danes*, that under their King SUENO had invaded *Scotland*, in his latter time grew to ſuch Covetouſneſs and Oppreſſion, that

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all Authors agree he was murder'd, tho they diſagree about the manner; ſome ſay by Confederacy with his Servants; ſom by his Kinſmen and Competitors; ſom by the friends of a Maid whom he had raviſh'd. DONALD his Grandchild ſucceded, a good-natur'd and in- 84.
active Prince, who with a Stratagem of ſleepy Drink deſtroy'd a *Daniſh* Army that had invaded and diſtreſt him; but at laſt being inſnar'd by his Kinſman MACKBETH (who was prick'd forward by Ambition, and a former Viſion of three Women of a ſour human ſhape, whereof one ſaluted him *Thane* of *Angus*, another Earl of *Murray*, the third King) he was beheaded.

THE Severity and Cruelty of MACKBETH was ſo known, that 85.
both the Sons of the murder'd King were forc'd to retire, and yield to the times, while he courted the Nobility with Largeſſes. The firſt ten years he ſpent virtuouſly, but the remainder was ſo ſavage and tyrannical, that MACDUF Thane of *Fife* fled into *England* to MILCOLM Son of DONALD, who by his perſuaſions, and the aſſiſtance of the King of *England*, enter'd *Scotland*, where he found ſuch great acceſſions to his Party, that MACKBETH was forc'd to fly; his Death is hid in ſuch a miſt of Fables, that it is not certainly known.

MILCOLUMB, the third of that name, now being quietly 86.
ſeated, was the firſt that brought in thoſe gay inventions and diſtinctions of Honors, as Dukes, Marqueſſes (that now are become ſo airy, that ſom carry them from places to which they have as little relation as to any Iland in *America*, and others from Cottages and Dovecotes.) His firſt trouble was FORFAR, MACKBETH's Son, who claim'd the Crown, but was ſoon after cut off. Some War he had with that WILLIAM whom we call falſly the Conqueror, ſom with his own People, which by the interceſſion of the Biſhops were ended. At length quarrelling with our WILLIAM the Second, he laid ſiege to *Alnwick* Caſtle, which being forc'd to extremity, a Knight came out with the Keys on a Spear, as if it were to preſent them to him, and to yield the Caſtle; but he not with due heed receiving them, was run thro the Ey and ſlain. Som from hence derive the name of PIERCY (how truly I know not.) His Son and Succeſſor EDWARD following his Revenge too hotly, receiv'd ſom Wounds; of which within a few days he dy'd.

DONALD BANE (that is in Iriſh, *White*) who had fled in- 87.
to the Iles for fear of MACKBETH, promis'd them to the King of *Norway*, if he would procure him to be King, which was don with eaſe, as the times then ſtood; but this Uſurper being hated by the People, who generally lov'd the memory of MILCOLM, they ſet DUNCAN, MILCOLM's Baſtard, againſt him, who forc'd him to 88.
retire to his Iles. DUNCAN a military Man ſhew'd himſelf unfit for Civil Government; ſo that DONALD, waiting all advantages, caus'd him to be beheaded, and reſtor'd himſelf: But his Reign was ſo turbulent, the Ilanders and *Engliſh* invading on both ſides, that they call'd in EDGAR Son of MILCOLM, then in *England*, who with ſmall Aſſiſtances poſſeſt himſelf, all Men deſerting DONALD, who being taken and brought to the King, dy'd in Priſon. EDGAR 89.
ſecure by his good Qualitys, and ſtrengthen'd by the *Engliſh* Alliance, ſpent nine years virtuouſly and peaceably; and gave the People leave to breathe and reſt, after ſo much trouble and bloodſhed. His Brother

ALEX-

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90. ALEXANDER, ſirnam'd ACER, or the *Fierce*, ſucceded; the beginning of whoſe Reign being diſturb'd by a Rebellion, he ſpeedily met them at the *Spey*, which being a ſwift River, and the Enemy on the other ſide, he offer'd himſelf to ford it on Horſeback: but ALEXANDER CAR taking the Imployment from him, forded the River with ſuch Courage, that the Enemy fled, and were quiet the reſt of his Reign. Som ſay he had the name of ACER, becauſe ſom Conſpirators being by the fraud of the Chamberlain admitted into his Chamber, he caſually waking, firſt ſlew the Chamberlain, and after him ſix of the Conſpirators, not ceaſing to purſue the reſt, till he had ſlain moſt of them with his own hand; this with the building of ſom Abbys, and ſeventeen years Reign, is all we know of him.

91. HIS Brother DAVID ſucceded, one whoſe profuſe Prodigality upon the Abbys brought the Revenue of the Crown (ſo prevalent was the Superſtition of thoſe days) almoſt to nothing. He had many Battels with our STEPHEN about the Title of MAUD the Empreſs; and having loſt his excellent Wife and hopeful Son in the flower of their days, he
92. left the Kingdom to his Grandchildren, the eldeſt wherof was MILCOLUMB a ſimple King, baffl'd and led up and down into *France* by our HENRY the Second; which brought him to ſuch contemt, that he was vex'd by frequent Inſurrections, eſpecially them of *Murray*, whom he almoſt extirpated. The latter part of his Reign was ſpent in building Monaſterys; he himſelf ty'd by a Vow of Chaſtity, would
93. never marry, but left for his Succeſſor his Brother WILLIAM, who expoſtulating for the Earldom of *Northumberland*, gave occaſion for a War, in which he was ſurpriſed and taken, but afterwards releas'd upon his doing Homage for the Kingdom of *Scotland* to King HENRY, of whom he acknowledg'd to hold it, and putting in caution the Caſtles of *Roxboro* (once ſtrong, now nothing but Ruins) *Barwic*, *Edinburg*, *Sterling*, all which notwithſtanding was after releas'd by RICHARD *Cœur de Lyon*, who was then upon an Expedition to the Holy War; from whence returning, both he and DAVID Earl of *Huntingdon*, Brother to the King of *Scots*, were taken Priſoners. The reſt of his Reign (except the rebuilding of *St. Johnſton*, which had bin deſtroy'd by Waters, wherby he loſt his eldeſt Son, and ſom Treatys with our King JOHN) was little worth memory; only you will wonder that a *Scotiſh* King could reign forty-nine years, and yet die in peace.

94. ALEXANDER his Son ſucceded, famous for little, except ſom Expeditions againſt our King JOHN, ſom Inſurrections, and a Reign
95. two years longer than his Father's. His Son was the third of that name, a Boy of eight years old, whoſe Minority was infeſted with the turbulent CUMMINS; who when he was of age, being call'd to account, not only refus'd to appear, but ſurpris'd him at *Sterling*, governing him at their pleaſure. But ſoon after he was awak'd by a furious Invaſion of ACHO King of *Norway* (under the pretence of ſom Ilands given him by MACKBETH) whom he forc'd to accept a Peace, and ſpent the latter part amidſt the Turbulencys of the Prieſts (drunk at that time with their Wealth and Eaſe) and at laſt having ſeen the continu'd Funerals of his Sons DAVID, ALEXANDER, his Wife, and his Daughter, he himſelf with a fall from his Horſe broke his neck, leaving of all his Race only a Grandchild by his Daughter, which dy'd ſoon after.

THIS

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THIS Man's Family being extinguiſh'd, they were forc'd to run to another Line, which, that we may ſee how happy an expedient immediat Succeſſion is for the Peace of the Kingdom, and what Miſeries it prevents, I ſhall, as briefly and as pertinently as I can, ſet down.

DAVID, Brother to K. WILLIAM, had three Daughters, MARGARET married to ALLAN Lord of *Galloway*, ISABEL married to ROBERT BRUCE Lord of *Annandale* and *Cleveland*, ADA married to HENRY HASTINGS Earl of *Huntingdon*. Now ALLAN begot on his Wife DORNADILLA, married to JOHN BALIOL afterwards King of *Scotland*, and two other Daughters. BRUCE on his Wife got ROBERT BRUCE Earl of *Carick*, having married the Heretrix therof. As for HUNTINGDON he deſiſted his claim. The queſtion is, whether BALIOL in right of the eldeſt Daughter, or BRUCE being com of the ſecond (but a man) ſhould have the Crown, he being in the ſame degree, and of the more worthy Sex. The Controverſy being toſt up and down, at laſt was refer'd to EDWARD, the Firſt of that name, King of *England*. He thinking to fiſh in theſe troubled waters, ſtirs up eight other Competitors, the more to entangle the buſineſs, and with twenty-four Counſellors, half *Engliſh*, half *Scots*, and abundance of Lawyers fit enough to perplex the matter, ſo handled the buſineſs, after cunning delays, that at length he ſecretly tampers with BRUCE (who was then conceiv'd to have the better right of the buſineſs) that if he would acknowlege the Crown of him, he would adjudg it for him; but he generouſly anſwering, that he valu'd a Crown at a leſs rate, than for it to put his Country under a foren Yoke: He made the ſame motion to BALIOL, who accepted it; and ſo we have a King again, by what Right we all ſee: but it is good reaſon to think that Kings, com they by their Power never ſo unjuſtly, may juſtly keep it.

BALIOL having thus got a Crown, as unhappily kept it; for no 96.
ſooner was he crown'd, and had don homage to EDWARD, but the ABERNETHYS having ſlain MACDUF Earl of *Fife*, he not only pardon'd them, but gave them a piece of Land in controverſy: wherupon MACDUF's Brother complains againſt him to EDWARD, who makes him riſe from his Seat in Parlament, and go to the Bar: He hereupon enrag'd, denies EDWARD aſſiſtance againſt the *French*, and renounces his Homage. EDWARD immediatly coms to *Berwic*, takes and kills ſeven thouſand, moſt of the Nobility of *Fife* and *Lowthian*, and afterwards gave them a great Defeat at *Dunbar*, whoſe Caſtle inſtantly ſurrender'd. After this he march'd to *Montroſe*, where BALIOL reſign'd himſelf and Crown, all the Nobility giving homage to EDWARD. BALIOL is ſent priſoner to *London*, and from thence, after a year's detention, into *France*. While EDWARD was poſſeſt of all *Scotland*, one WILLIAM WALLACE aroſe, who being a privat man, beſtir'd himſelf in the Calamity of his Country, and gave the *Engliſh* ſeveral notable foils. EDWARD coming again with an Army, beat him that was already overcom with Envy and Emulation as well as Power; upon which he laid by his Command, and never acted more, but only in ſlight Incurſions. But the *Engliſh* being beaten at *Roſlin*, EDWARD comes in again, takes *Sterling*, and makes them all render Homage; but at length BRUCE ſeeing all his Promiſes nothing but ſmoke, enters into League with CUMMIN to get the Kingdom: but being betray'd by him to EDWARD, he ſtab'd CUMMIN

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97. at *Drumfreis*, and made himſelf King. This man, tho he came with diſadvantage, yet wanted neither Patience, Courage, nor Conduct; ſo that after he had miſerably lurk'd in the mountains, he came down, and gathering together ſom Force, gave our EDWARD the Second ſuch a defeat near *Sterling*, as *Scotland* never gave the like to our Nation: and continu'd the War with various fortune with the Third, till at laſt Age
98. and Leproſy brought him to his Grave. His Son DAVID, a Boy of eight years, inherited that which he with ſo much danger obtain'd, and wiſdom kept. In his Minority he was govern'd by THOMAS RANDOLF Earl of *Murray*, whoſe ſeverity in puniſhing was no leſs dreaded than his Valor had bin honor'd. But he ſoon after dying of poiſon; and EDWARD BALIOL, Son of JOHN, coming with a Fleet and ſtrengthen'd with the aſſiſtance of the *Engliſh*, and ſom Robbers,
99. the Governor the Earl of *Mar* was routed, ſo that BALIOL makes himſelf King, and DAVID was glad to retire into *France*. Amidſt theſe Parties (EDWARD the Third backing BALIOL) was *Scotland* miſerably torn, and the BRUCES in a manner extinguiſh'd, till ROBERT (after King) with them of *Argile* and his own Family and Friends, began to renew the claim, and bring it into a War again; which was carry'd on by ANDREW MURRAY the Governor, and afterwards by himſelf: So that DAVID, after nine years baniſhment, durſt return, where making frequent Incurſions, he at length in the fourth year of his return march'd into *England*, and in the Biſhoprick of *Durham* was routed, and fled to an obſcure Bridg, ſhew'd to this day by the inhabitants. There he was by JOHN COPLAND taken priſoner, where he continu'd nine years, and in the thirty-ninth year of his Reign he dy'd.

100. ROBERT his Siſter's Son, whom he had intended to put by, ſuccedes, and firſt brought the STUARTS (which at this day are a plague to the Nation) into play. This man after he was King, whether it were Age or Sloth, did little; but his Lieutenants and the *Engliſh* were perpetually in action. He left his Kingdom to JOHN his Baſtard Son by the Lady MORE his Concubin, whom he marry'd, either to legitimat the three Children (as the manner was then) he had by her, or elſe for old Acquaintance, his Wife and her Huſband dying much about
101. a time. This JOHN would be crown'd by the name of ROBERT (his own, they ſay, being unhappy for Kings) a wretched inactive Prince, lame, and only govern'd by his brother WALTER, who having DAVID the Prince upon complaint of ſom Exorbitancys deliver'd to his care, caus'd him to be ſtarv'd; upon which the King intending to ſend his Son JAMES into *France*, the Boy was taken at *Flamburg*, and kept by our HENRY the Fourth: upon the hearing of which his Father ſwounded, and ſoon after dy'd. His Reign was memorable for nothing but his breaking with GEORGE Earl of *March* (to whoſe Daughter, upon the payment of a great part of her Portion which he never would repay, he had promis'd his Son DAVID for a Huſband) to take the Daughter of DOUGLAS who had a greater; which occaſion'd the Earl of *March* to make many inrodes with our HENRY HOTSPUR; and a famous Duel of three hundred men apiece, wherof on the one ſide ten remain'd, and on the other one, which was the only way to appeaſe the deadly Feuds of theſe two Familys. The Interreign was govern'd by ROBERT, who enjoying the Power he had too much coveted, little minded the

Liberty

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Liberty of his Nephew, only he ſent ſom Auxiliarys into *France*, who, they ſay, behav'd themſelves worthily; and his ſlothful Son MORDAC, who making his Sons ſo bold with Indulgence, that one of them kill'd a Falcon on his fiſt, which he deny'd to give him: he in revenge procur'd the Parlament to ranſom the King, who had bin eighteen years a Priſoner. This JAMES was the Firſt of that name, 102.
and tho he was an excellent Prince, yet had a troubleſom Reign; firſt, in regard of a great Penſion rais'd for his ranſom; next, for domeſtic Commotions; and laſtly, for raiſing of Mony; which, tho the Revenue was exhauſted, was call'd Covetouſneſs. This having offended ROBERT GRAHAM, he conſpir'd with the Earl of *Athol*, ſlew him in his Chamber, his Wife receiving two wounds, endeavoring to defend him.

THIS JAMES left the Second, a Boy of ſix years, whoſe Infan- 103.
cy, by the miſguidance of the Governor, made a miſerable People, and betray'd the Earl DOUGLAS to death, and almoſt all that great Family to ruin; but being ſupplanted by another Earl DOUGLAS, the King in his juſt age ſuffer'd Minority under him, who upon diſpleaſure rebel'd, and was kill'd by the King's own hand. Afterwards having his middle years perpetually moleſted with civil Broils, yet going to aſſiſt the Duke of *York* againſt HENRY the Sixth, he was diverted by an *Engliſh* Gentleman that counterfeited himſelf a *Nuncio* (which I mention out of a Manuſcript, becauſe I do not remember it in our Storys) and broke up his Army. Soon after beſieging *Roxburg*, he was ſlain by the burſting of a Cannon in the twenty-ninth year of his Age.

JAMES the Second left a Boy of ſeven Years, govern'd by his Mo- 104.
ther, and afterwards by the BOYDS; thro the perſuaſions of Aſtrologers and Witches, to whom he was ſtrongly addicted, he declin'd to Cruelty; which ſo inrag'd the Nobility, that, headed by his Son, they conſpir'd againſt him, routing his Forces near *Sterling*, where he flying to a Mill, and aſking for a Confeſſor, a Prieſt came, who told him, that *tho he was no good Prieſt, yet he was a good Leech*, and with that ſtab'd him to the heart. A Parlament approv'd his death, and order'd Indemnitys to all that had fought againſt him.

JAMES the Fourth, a Boy of fifteen Years, is made King, go- 105.
vern'd by the Murderers of his Father; a prodigal, vainglorious Prince, ſlain at *Floddon* Field, or, as ſom ſuppoſe, at *Kelſy* by the HUMES, which (as the Manuſcript alleges) ſeems more probable, in regard that the Iron Belt (to which he added a Ring every Year) which he wore in repentance for the death of his Father, was never found, and there were many, the day of Battle, habited like him. His Succeſſor was his Son JAMES, the Fifth of that name, a Boy of not above two 106.
years of age; under whoſe Minority, what by the miſgovernment of Tutors, and what by the Factions of the Nobility, *Scotland* was waſted almoſt into Famin and Solitude: however in his juſt Age he prov'd an induſtrious Prince, yet could not ſo ſatisfy the Nobility, but that he and they continued in a mutual hate, till that barbarous execution of young HAMILTON ſo fill'd him with Remorſe, that he dream'd he came and cut off his two Arms, and threaten'd after to cut off his Head. And he diſpleas'd the People ſo much, that he could not make his Army fight with the *Engliſh* then in *Scotland*; whereupon he dy'd of grief, having firſt heard the death of his two Sons, who dy'd at the

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inſtant of his Dream, and leaving a Daughter of five days old, whom he never ſaw.

107. THIS was that MARY under whoſe Minority (by the weakneſs of the Governor, and ambition of the Cardinal) the Kingdom felt all thoſe Woes that are threaten'd to them whoſe King is a Child; till at length the prevalency of the *Engliſh* Arms (awak'd for her cauſe) brought the great deſign of ſending her into *France* to perfection: So that at five years old ſhe was tranſported, and at fifteen marry'd to the *Dolphin* FRANCIS, after King; while her Mother, a Daughter of the GUISE, in her Regency, exercis'd all Rage againſt the Profeſſors of the pure Religion then in the dawn. FRANCIS after two Years left her a childleſs Widow, ſo that at eighteen ſhe return'd into *Scotland* to ſucceed her Mother (then newly dead) in her Exorbitancys.

I HAD almoſt forgot to tell, that this young Couple in the tranſport of their nuptial Solemnitys took the Arms and Title of *England*; which indiſcrete Ambition we may ſuppoſe firſt quicken'd the jealouſy of ELIZABETH againſt her, which after kindl'd ſo great a flame.

IN *Scotland* ſhe ſhew'd what a ſtrange influence looſe Education has upon Youth, and the weaker Sex. All the *French* Effeminacys came over with her, and the Court loſt that little Severity which was left. DAVID RIZIO, an *Italian* Fidler, was the only Favorit, and it is too much fear'd, had thoſe enjoyments which no Woman can give but ſhe that gives away her Honor and Chaſtity.

BUT a little after, HENRY Lord *Darnly* coming with MATTHEW Earl of *Lenox*, his Father, into *Scotland*, ſhe caſt an ey upon him, and marry'd him. Whether it were to ſtrengthen her pretenſion to *England*, he being com of HENRY the Seventh's Daughter, as we ſhall tell anon, or to color her Adulterys, and hide the ſhame of an Impregnation (tho ſome have whiſper'd, that ſhe never conceiv'd, and that the Son was ſuppoſititious) or ſom Phrenzy of Affection drew her that way; certain it is ſhe ſoon declin'd her Affection to her Huſband, and increas'd it to DAVID (he being her perpetual Companion at board, and managing all Affairs, while the King with a contemtible Train was ſent away) inſomuch that ſom of the Nobility that could not digeſt this, enter'd a into Conſpiracy, which the King headed, and ſlew him in her Chamber.

THIS turn'd all her neglect of the King into rage, ſo that her chiefeſt buſineſs was to appeaſe her Favorit's Ghoſt with the ſlaughter of her Huſband; poiſon was firſt attemted, but it being (it ſeems) too weak, or his Youth overcoming it, that expectation fail'd. But the Devil and BOTHWEL furniſh'd her with another that ſucceeded; ſhe ſo intices him, being ſo ſick that they were forc'd to bring him in a Horſlitter to *Edinburg*, where ſhe cheriſh'd him extremely, till the credulous young man began to lay aſide ſuſpicion, and to hope better: So ſhe puts him into a ruinous houſe near the Palace, from whence no news can be had, brings in her own bed, and lys in the houſe with him; and at length when the deſign was ripe, cauſes him one Sunday night, with his Servant, to be ſtrangl'd, thrown out of the Window, and the houſe to be blown up with Gunpowder, her own rich Bed having bin before ſecretly convey'd away. This and other performances made her favor upon BOTHWEL ſo hot, that ſhe muſt marry

 him;

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him; the only obſtacle was, he had a wife already; but ſhe was compel'd to ſue for a divorce, which (ſo great Perſons being concern'd) it was a wonder it ſhould be granting ſo long as ten days. Well, ſhe marrys; but the more honeſt Nobility amaz'd at thoſe Exorbitancys, aſſemble together, and with Arms in their hands begin to expoſtulat. The newmarry'd Couple are forc'd to make back Southwards; where finding but ſlender aſſiſtance, and the Queen fooliſhly coming from *Dunbar* to *Leith*, was glad at laſt to delay a parly till her Dear was eſcap'd; and then (clad in an old tatter'd coat) to yield her ſelf a Priſoner.

BEING brought to *Edinburg*, and us'd rather with hate of her former Enormitys, than pity of her preſent Fortune, ſhe receiv'd a Meſſage, that ſhe muſt either reſign the Crown to her Son JAMES (that was born in the time of her marriage with DARNLY) or elſe they would procede to another Election, and was forc'd to obey. So the Child then in his cradle was acknowleg'd JAMES the Sixth, bet- 108.
ter known afterwards by the Title of *Great Britain*.

THE wretched Mother flying after into *England*, was entertain'd (tho with a Guard) by Queen ELIZABETH; but after that being ſuborn'd by the Papiſts, and exaſperated by the GUIZES, ſhe enter'd into Plots and Machinations, ſo inconſiſtent with the Safety of *England*, that by an Act of Parlament ſhe was condemn'd to death, which ſhe receiv'd by a Hatchet at *Fotheringay* Caſtle.

THE Infancy of her Son was attended with thoſe domeſtic Evils that accompany the Minority of Kings. In his youth he took to Wife the Daughter of *Denmark* (a Woman I hear little of, ſaving the Character SALUST gives SEMPRONIA, that ſhe could dance better than became a virtuous Woman) with whom he ſuppoſing the Earl GOWRY too much in League, caus'd him and his Brother to be ſlain at their own houſe whither he was invited; he giving out, that they had an intent to murder him; and that by miracle and the aſſiſtance of ſom men (whom he had inſtructed for that purpoſe, and taught their tale) he eſcap'd. For this Deliverance (or to ſay better, Aſſaſſination) he blaſphem'd God with a ſolemn Thankſgiving once a Year all the remainder of his Life.

WELL had it bin for us, if our Forefathers had laid hold of that happy opportunity of ELIZABETH'S Death (in which the TEUTHORS took a period) to have perform'd that which, perhaps in due puniſhment, has coſt us ſo much blood and ſweat; and not have bow'd under the ſway of a ſtranger, diſdain'd by the moſt generous and wiſe at that time, and only ſupported by the Faction of ſom, and the Sloth of others; who brought but a ſlender Title, and (however the flattery of the times cry'd him up for a SOLOMON) weak Commendations for ſuch an advancement.

HIS Title ſtood thus, MARGARET, eldeſt Daughter to HENRY the Seventh, was marry'd to JAMES the Fourth, whoſe Son JAMES the Fifth had MARY the Mother of JAMES the Sixth. MARGARET after her firſt Huſband's death, marrys ARCHIBALD DOUGLAS Earl of *Angus*, who upon her begot MARGARET Wife of MATTHEW Earl of *Lenox*, and Mother of that HENRY DARNLY, whoſe tragical End we juſt now mention'd. Now upon this ſlender Title, and our internal Diſſenſions (for the *Cecilians* and *Eſſexians*, for ſeveral ends, made perpetual Applications) got

JAMMY

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JAMMY from a revenue of 30000 *l.* to one of almoſt two Millions, tho there were others that had as fair pretences (and what elſe can any of them make?) the Statute of 25 *Edw.* 3. expreſly excluding Foreners from the Crown: and ſo the Children of CHARLES BRANDON by MARY the ſecond Daughter, Dowager of *France*, being next to com in. And the Lady ARABELLA being ſprung from a third Huſband (the Lord STUART) of the ſaid MARGARET, and by a Male Line, carry'd ſurely ſo formidable a pretenſion (it ſhould ſeem) that even that Iniquity which was perſonally inherent to her, made her days very unhappy, and for moſt part captive, and her death ('tis thought) ſomwhat too early; ſo cruel are the Perſecutions of cowardly minds, even againſt the weakeſt and moſt unprotected Innocence.

AND indeed his Right to the Crown was ſo unſatisfactory even to the moſt judicious of thoſe days, that TOBY MATTHEWS having ſuit about ſom Privileges which he claim'd to his Biſhoprick (which was then *Durham*) wherin the King oppos'd him; and having one day ſtated the Caſe before ſom of his Friends, who ſeem'd to approve of it; yes, ſays he, I could wiſh he had but half ſo good a Title to the Crown. And 'tis known that ſome Speeches of Sir WALTER RAWLEY, too generous and Engliſh for the times, was that which brought him to Trial and Condemnation for a feign'd Crime; and afterwards ſo facilitated that barbarous Deſign of GUNDAMAR, to cut off his Head for a Crime, for which he was condemn'd fourteen years before, and which by the Commiſſions he after receiv'd (according to the opinion of the then Lord Chancellor, and the greateſt Lawyers) was in Law pardon'd.

THIS may appear beſides our purpoſe; but we could not ſever this conſideration, unleſs we would draw him with a half-face, and leave as much in umbrage as we expreſt. That which moſt ſolemniz'd his Perſon was, firſt the conſideration of his adhering to the Proteſtant Religion; wheras we are to conſider that thoſe ſlight Velitations he had with BELLARMIN and the *Romaniſts*, tended rather to make his own Authority more intrinſically intenſe and venerable, than to confute any thing they ſaid: for he had before ſhak'd them off as to foren Juriſdiction; and for matter of Popery, it appear'd in his latter time that he was no ſuch enemy to it, both by his own compliances with the Spaniſh Embaſſadors, the deſign of the Spaniſh Match (in which his Son was perſonally imbarkt) and the ſlow aſſiſtances ſent to his Daughter, in whoſe ſafety and protection Proteſtantiſm was at that time ſo much concern'd.

FOR his Knowlege, he had ſome glancings and niblings, which the Severity of the excellent BUCHANAN forc'd into him in his younger time, and after converſation ſomwhat poliſh'd. But tho I bear not ſo great a contemt to his other Works, as BEN JOHNSON did to his poetry, yet if they among many others were going to the fire, they would not be one of the firſt I ſhould reſcue, as poſſiby expecting a more ſevere and refin'd Judgment in many others; and knowing that he that had ſo many able Wits at command, might eaſily give their Oracles thro his mouth. But ſuppoſe the things generous and fit to live (as I am not yet convinc'd) yet what condemnation is this to a King, who ſhould have other buſineſs than ſpinning and weaving fine Theorys, and engaging in School Chiquaneries? which was well underſtood

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derſtood by HENRY the Fourth, who hearing ſom men celebrat him with theſe Attributes; yes (anſwer'd he, very tartly) *He is a fine King, and writes little Books.*

'TIS true, he was a good Drol, and poſſibly after Greec Wine ſomwhat factious: But of his ſubſtantial and heroic Wiſdom I have not heard any great Inſtances. He himſelf us'd to brag of his *King-craft*, which was not to render his People happy, and to proſecute the ends of a good King, but to ſcrue up the Prerogative, divert Parlaments from the due diſquiſition and proſecution of their Freedoms, and to break them up at pleaſure; and indeed his parting with the Cautionary Towns of the *Low Countrys*, and that for ſo ſmall a Sum, ſhew'd him a Perſon not ſo quickſighted, or unfit to be overreach'd.

FOR his peaceable Reign, honourable and juſt Quarrels he wanted not; but ſloth and cowardice witheld him: and indeed the eaſe and luxury of thoſe times fomented and nouriſh'd thoſe lurking and peſtilent humours, which afterwards ſo dangerouſly broke out in his Son's Reign.

WE ſhall not trouble his Aſhes with the mention of his perſonal Faults; only, if we may compare God's Judgments with apparent Sins, we may find the latter end of his Life neither fortunat nor comfortable to him. His Wife diſtaſted by him, and ſom ſay, languiſhing of a foul diſeaſe; his eldeſt Son dying with too violent ſymtoms of Poiſon, and that, as is fear'd, by a hand too much ally'd; his ſecond (againſt whom he ever had a ſecret antipathy) ſcarce return'd from a mad and dangerous Voyage; his Daughter (all that was left of that Sex) baniſh'd, with her numerous Iſſue, out of her Huſband's Dominion, and living in miſerable Exile; and laſtly, himſelf dying of a violent death by poiſon, in which his Son was more than ſuſpected to have a hand, as may be infer'd from BUCKINGHAM'S Plea, that he did it by the Command of the Prince, and CHARLES'S diſſolution of the Parlament that took in hand to examin it; and laſtly his indifferency at *Buckingham*'s death (tho he pretended all love to him alive) as glad to be rid of ſo dangerous and ſo conſiderable a Partner of his Guilt. Yet the miter'd Paraſits of thoſe times could ſay, that one went to Heaven in *Noah*'s Ark, the other in *Eliſha*'s Chariot, he dying of a pretended Fever, ſhe (as they ſaid) of a Dropſy.

CHARLES having now obtain'd his Brother's Inheritance, car- 1629.
ry'd himſelf in managing of it like one that gain'd it as he did. The firſt of his Acts was that glorious attemt upon the Ile of *Rhee*. The next, that Noble and Chriſtian betraying of *Rochel*, and conſequently in a manner the whole Proteſtant Intereſt in *France*. The middle of the Reign was heightening of Prerogative and Prelacy, and conforming our Churches to the pattern of *Rome*; till at laſt juſt Indignation brought his Subjects of *Scotland* into *England*, and ſo forc'd him to call a Parlament: which tho he ſhameleſly ſays in the firſt line of the Book, call'd his, was out of his *own inclination to Parlaments*, yet how well he lik'd them, may appear by his firſt tampering with his own Army in the North, to ſurprize and diſſolve them; then with the *Scots*, who at that time were Court proof; then raiſing up the *Iriſh* Rebellion, which has waſted millions of Lives; and laſtly, his open ſeceſſion from *Weſtminſter*, and hoſtility againſt the two Houſes, which maintain'd a firſt and ſecond ſharp War, that had almoſt ruin'd the Nation, had not Providence in a manner immediatly interpos'd and

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reſcu'd us to Liberty, and made us ſuch ſignal Inſtruments of his Vengeance, that all wicked Kings may tremble at the example.

IN a word, never was Man ſo reſolute and obſtinat in a Tyranny; never People more ſtrangely beſotted with it. To paint the Image of DAVID with his face, and blaſphemouſly to parallel him with CHRIST, would make one at firſt thought think him a Saint: But to compare his Proteſtations and Actions; his Actions of the Day, his Actions of the Night; his Proteſtant Religion, and his courting of the Pope; and obedience to his Wife; we may juſtly ſay, he was one of the moſt conſummat in the Arts of Tyranny that ever was. And it could be no other than God's hand that arreſted him in the height of his Deſigns and Greatneſs, and cut off him and his Family, making good his own Imprecations on his own Head.

110. OUR Scene is again in *Scotland*, which has accepted his Son, whom for diſtinction ſake we will be content to call CHARLES the Second. Certainly theſe People were ſtrangely blind as to God's Judgments perpetually pour'd out upon a Family; or elſe wonderfully addicted to their own Intereſt, to admit the ſpray of ſuch a ſtock; one that has ſo little to commend him, and ſo great improbability to further their Deſigns and Happineſs; a Popiſh Education, if not Religion too, however for the preſent he may ſeem to diſſemble it; *France*, the Jeſuits, and his Mother, good means of ſuch an improvement; the dangerous Maxims of his Father, beſides the Revenge he ows his Death, of which he will never totally acquit the *Scots*; his Hate to the whole Nation; his Senſe of MONTROSE's Death; his backwardneſs to com to them till all other means fail'd (both his foren beg'd Aſſiſtances, his Propoſitions to the Pope, and Commiſſions to MONTROSE) and laſtly, his late running away to his old Friends in the North: ſo that any man may ſee his preſent compliance to be but hiſtrionical and forc'd, and that as ſoon as he has led them into the Snare, and got power into his own hands, ſo as that he may appear once more barefac'd, be will be a ſcourge upon them for their groſs Hypocriſy, and leave them a ſad Inſtance to all Nations, how dangerous it is to eſpouſe ſuch an Intereſt, againſt which God with ſo viſible and ſevere a hand dos fight, carry'd on by and for the ſupport of a tyrannizing Nobility and Clergy, and wherin the poor People are blindly led on by thoſe afrighting (but falſe and ungrounded) pretenſions of Perfidy and Perjury, and made inſtrumental with their own Eſtates and Blood towards inſlaving and ruining themſelves.

THE

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THE

COMMONWEALTH

OF

OCEANA.

To his HIGHNESS

The Lord Protector of the Commonwealth of *England*, *Scotland*, and *Ireland*.

——*Quid rides? mutato nomine, de te*
Fabula narratur.—— HORAT.

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The Introduction, or Order of the Work.

Pliny's *Deſcription of* Oceana.

OCEANA is ſaluted by the Panegyriſt after this manner; *O the moſt bleſt and fortunat of all Countrys,* OCEANA! *How deſervedly has Nature with the bountys of Heaven and Earth indu'd thee? Thy ever-fruitful Womb not clos'd with Ice, nor diſſolv'd by the raging Star; where* CERES *and* BACCHUS *are perpetual Twins. Thy Woods are not the harbor of devouring Beaſts, nor thy continual Verdure the ambuſh of Serpents, but the food of innumerable Herds and Flocks preſenting thee their Shepherdeſs with diſtended Dugs, or golden Fleeces. The wings of thy Night involve thee not in the horror of darkneſs, but have ſtill ſom white feather; and thy day is (that for which we eſteem Life) the longeſt.* But this Extaſy of PLINY (as is obſerv'd by BERTIUS) ſeems to allude as well to *Marpeſia* and *Panopea*, now Provinces of this Commonwealth, as to *Oceana* it ſelf.

The Nature of the People.

TO ſpeak of the People in each of theſe Countrys, this of *Oceana*, for ſo ſoft a one, is the moſt martial in the whole world. *Let States that aim at Greatneſs* (ſays VERULAMIUS) *take heed how their Nobility and Gentlemen multiply too faſt, for that makes the common Subject grow to be a Peaſant and baſe Swain driven out of heart, and in effect but a Gentleman's Laborer; juſt as you may ſee in Coppice Woods, if you leave the Staddels too thick, you ſhall never have clean Underwood, but Shrubs and Buſhes: So in Countrys, if the Gentlemen be too many, the Commons will be baſe; and you will bring it to that at laſt, that not the hundredth Poll will be fit for a Helmet, ſpecially as to the Infantry, which is the nerve of an Army, and ſo there will be great Population and little Strength. This of which I ſpeak has bin no where better ſeen than by comparing of* Oceana *and* France, *wherof* Oceana, *tho far leſs in Territory and Population, has bin nevertheleſs an overmatch, in regard the middle People of* Oceana *make good Soldiers, which the Peaſants in* France *do not.* In which words VERULAMIUS (as MACHIAVEL has don before him) harps much upon a ſtring which he has not perfectly tun'd, and that is the *balance of Dominion or Property*: as it follows more plainly in his praiſe *of the profound and admirable device of* PANURGUS *King of* Oceana, *in making Farms and Houſes of Huſbandry of a Standard; that is, maintain'd with ſuch a proportion of Land to them, as may breed a Subject to live in convenient plenty, and no ſervil condition, and to keep the Plow in the hand of the owners, and not mere hirelings. And thus indeed* (ſays he) *you ſhall attain to* VIRGIL'S *Character* * *which he gives of antient* Italy.

BUT the Tillage bringing up a good Soldiery, brings up a good Commonwealth; which the Author in the praiſe of PANURGUS did not mind, nor PANURGUS in deſerving that praiſe: for where the owner of the Plow coms to have the Sword too, he will uſe it in defence of his own; whence it has happen'd that the People of *Oceana* in proportion to their property have bin always free. And the Genius of

* Terra potens armis atque ubere gleba,

this

this Nation has ever had ſom reſemblance with that of antient *Italy*, which was wholly addicted to Commonwealths, and where *Rome* came to make the greateſt account of her ruſtic Tribes, and to call her Conſuls from the Plow; for in the way of Parlaments, which was the Government of this Realm, men of Country-lives have bin ſtill intruſted with the greateſt Affairs, and the People have conſtantly had an averſion to the ways of the Court. Ambition loving to be gay, and to fawn, has bin a Gallantry look'd upon as having ſomthing in it of the Livery; and Huſbandry, or the country way of Life, tho of a groſſer ſpinning, as the beſt ſtuf of a Commonwealth, according to ARISTOTLE, ſuch a one being the moſt obſtinat Aſſertreſs of her Liberty, and the leaſt ſubject to Innovation or Turbulency. Wherfore till the Foundations (as will be hereafter ſhew'd) were remov'd, this People was obſerv'd to be the leaſt ſubject to Shakings and Turbulency of any: Wheras Commonwealths, upon which the City Life has had the ſtronger influence, as *Athens*, have ſeldom or never bin quiet; but at the beſt are found to have injur'd their own buſineſs by over-doing it. Whence the Urban Tribes of *Rome*, conſiſting of the *Turba forenſis*, and *Libertins* that had receiv'd their Freedom by manumiſſion, were of no reputation in compariſon of the Ruſtics. It is true, that with *Venice* it may ſeem to be otherwiſe, in regard the Gentlemen (for ſo are all ſuch call'd as have a right to that Government) are wholly addicted to the City Life: but then the *Turba forenſis*, the Secretarys, *Cittadini*, with the reſt of the Populace, are wholly excluded. Otherwiſe a Commonwealth, conſiſting but of one City, would doubtleſs be ſtormy, in regard that Ambition would be every man's trade: but where it conſiſts of a Country, the Plow in the hands of the owner finds him a better calling, and produces the moſt innocent and ſteddy Genius of a Commonwealth, ſuch as is that of *Oceana*.

The Nature of the Marpeſians.

MARPESIA, being the Northern part of the ſame Iland, is the dry Nurſe of a populous and hardy Nation, but where the Staddels have bin formerly too thick: whence their Courage anſwer'd not their hardineſs, except in the Nobility, who govern'd that Country much after the manner of *Poland*; but that the King was not elective till the People receiv'd their Liberty, the yoke of the Nobility being broke by the Commonwealth of *Oceana*, which in grateful return is therby provided with an inexhauſtible Magazin of Auxiliarys.

The Nature of the Panopeans.

PANOPEA, the ſoft Mother of a ſlothful and puſillanimous People, is a neighbor Iland, antiently ſubjected by the Arms of *Oceana*; ſince almoſt depopulated for ſhaking the Yoke, and at length replanted with a new Race. But (thro what virtues of the Soil, or vice of the Air ſoever it be) they com ſtill to degenerat. Wherfore ſeeing it is neither likely to yield men fit for Arms, nor neceſſary it ſhould; it had bin the Intereſt of *Oceana* ſo to have diſpos'd of this Province, being both rich in the nature of the Soil, and full of commodious Ports for Trade, that it might have bin order'd for the beſt in relation to her Purſe: which in my opinion (if it had bin thought upon in time) might have bin beſt don by planting it with *Jews*, allowing them their own Rites and Laws; for that would have brought them ſuddenly from all parts of the World, and in ſufficient numbers. And tho the *Jews* be now altogether for Merchandize, yet in the Land of *Canaan* (except ſince their exile from whence they have not bin

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Landlords) they were altogether for Agriculture: and there is no cauſe why a man ſhould doubt, but having a fruitful Country, and excellent Ports too, they would be good at both. *Panopea* well peopled, would be worth a matter of four millions dry rents; that is, beſides the advantage of the Agriculture and Trade, which, with a Nation of that Induſtry, coms at leaſt to as much more. Wherfore *Panopea* being farm'd out to the *Jews* and their Heirs for ever, for the pay of a provincial Army to protect them during the term of ſeven years, and for two Millions annual Revenue from that time forward, beſides the Cuſtoms which would pay the provincial Army, would have bin a bargain of ſuch advantage, both to them and this Commonwealth, as is not to be found otherwiſe by either. To receive the *Jews* after any other manner into a Commonwealth, were to maim it: for they of all Nations never incorporat, but taking up the room of a Limb, are of no uſe or office to the body, while they ſuck the nouriſhment which would ſuſtain a natural and uſeful Member.

IF *Panopea* had bin ſo diſpos'd of, that Knapſack, with the *Marpeſian* Auxiliary, had bin an ineſtimable Treaſure; the Situation of theſe Countrys being Ilands (as appears by *Venice* how advantageous ſuch a one is to the like Government) ſeems to have bin deſign'd by God for a Commonwealth. And yet that, thro the ſtreitneſs of the place and defect of proper Arms, can be no more than a Commonwealth for Preſervation: wheras this, reduc'd to the like Government, is a Commonwealth for increaſe, and upon the mightieſt foundation that any has bin laid from the beginning of the World to this day.

The Situation of the Commonwealth of Oceana.

Illam arctâ capiens Neptunus compede ſtringit:
Hanc autem glaucis captus complectitur ulnis.

THE Sea gives law to the growth of *Venice*, but the growth of *Oceana* gives law to the Sea.

THESE Countrys having bin antiently diſtinct and hoſtil Kingdoms, came by MORPHEUS the *Marpeſian* (who ſucceded by hereditary right to the Crown of *Oceana*) not only to be join'd under one head; but to be caſt, as it were by a charm, into that profound ſleep, which, broken at length by the Trumpet of Civil War, has produc'd thoſe effects, that have given occaſion to the inſuing Diſcourſe, divided into four parts.

T

1. *The Preliminarys, ſhewing the Principles of Government.*

2. *The Council of* Legiſlators, *ſhewing the Art of making a Commonwealth.*

3. *The Model of the Commonwealth of* Oceana, *ſhewing the effect of ſuch an Art.*

4. *The Corollary, ſhewing ſom Conſequences of ſuch a Government.*

The Preliminarys, ſhewing the Principles of Government.

JANOTTI, the moſt excellent Deſcriber of the Commonwealth of *Venice*, divides the whole Series of Government into two Times or Periods. The one ending with the Liberty of *Rome*, which was the Courſe or Empire, as I may call it, of Antient Prudence, firſt diſcover'd to mankind by GOD himſelf in the Fabric of the Commonwealth of *Iſrael*, and afterwards pick'd out of his Footſteps in Nature, and unanimouſly follow'd by the *Greecs* and *Romans*. The other beginning with the Arms of CÆSAR, which, extinguiſhing Liberty, were the Tranſition of Antient into Modern Prudence, introduc'd by thoſe Inundations of *Huns*, *Goths*, *Vandals*, *Lombards*, *Saxons*, which, breaking the *Roman* Empire, deform'd the whole face of the World with thoſe ill features of Government, which at this time are becom far worſe in theſe weſtern parts, except *Venice*, which eſcaping the hands of the *Barbarians*, by virtue of its impregnable Situation, has had its ey fix'd upon antient Prudence, and is attain'd to a perfection even beyond the Copy.

Definitions of Government.

RELATION being had to theſe two times, Government (to define it *de jure*, or according to antient Prudence) is an Art wherby a Civil Society of Men is inſtituted and preſerv'd upon the Foundation of common Right or Intereſt; or (to follow ARISTOTLE and LIVY) It is the Empire of Laws, and not of Men.

AND Government (to define it *de facto*, or according to modern Prudence) is an Art wherby ſom man, or ſom few men, ſubject a City or a Nation, and rule it according to his or their privat Intereſt: which, becauſe the Laws in ſuch caſes are made according to the intereſt of a man, or of ſom few Familys, may be ſaid to be the Empire of Men, and not of Laws.

THE

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THE former kind is that which MACHIAVEL (whoſe Books are neglected) is the only Politician that has gon about to retrieve; and
Pag. 180. that LEVIATHAN (who would have his Book impos'd upon the
Pag. 377. Univerſitys) gos about to deſtroy. For, *It is* (ſays he) *another Error of* ARISTOTLE's *Politics, that in a well-order'd Commonwealth not Men ſhould govern, but the Laws. What man that has his natural ſenſes, tho he can neither write nor read, dos not find himſelf govern'd by them he fears, and believes can kill or hurt him when he obeys not? Or, who believes that the Law can hurt him, which is but Words and Paper, without the Hands and Swords of men?* I confeſs, that * the Magiſtrat upon his Bench is that to the Law, which a Gunner upon his Platform is to his Cannon. Nevertheleſs, I ſhould not dare to argue with a man of any Ingenuity after this manner. A whole Army, tho they can neither write nor read, are not afraid of a Platform, which they know is but Earth or Stone; nor of a Cannon, which without a hand to give fire to it, is but cold Iron; therfore a whole Army is afraid of one man. But of this kind is the Ratiocination of LEVIATHAN (as I ſhall ſhew in divers places that com in my way) throout his whole Politics,
Pag. 111. or worſe; as where he ſays *of* ARISTOTLE *and of* CICERO, *of the* Greecs, *and of the* Romans, *who liv'd under popular States, that they deriv'd thoſe Rights not from the Principles of Nature, but tranſcrib'd them into their Books, out of the practice of their own Commonwealths, as Grammarians deſcribe the Rules of Language out of Poets.* Which is as if a man ſhould tell famous HERVY, that he tranſcrib'd his Circulation of the Blood not out of the Principles of Nature, but out of the Anatomy of this or that Body.

TO go on therefore with his preliminary Diſcourſe, I ſhall divide it (according to the two definitions of Government relating to JANOTTI's two times) into two parts. The Firſt treating of the Principles of Government in general, and according to the Antients: The Second treating of the late Governments of *Oceana* in particular, and in that of modern Prudence.

Diviſion of Government. GOVERNMENT, according to the Antients, and their learn'd Diſciple MACHIAVEL, the only Politician of later Ages, is of three kinds; The Government of One Man, or of the Better ſort, or of the whole People: which by their more learn'd Names are call'd *Monarchy*, *Ariſtocracy*, and *Democracy*. Theſe they hold, thro their proneneſs to degenerat, to be all evil. For wheras they that govern ſhould govern according to Reaſon, if they govern according to Paſſion, they do that which they ſhould not do. Wherfore as Reaſon and Paſſion are two things, ſo Government by Reaſon is one thing, and the corruption of Government by Paſſion is another thing, but not always another Government: as a Body that is alive is one thing, and a Body that is dead is another thing, but not always another Creature, tho the Corruption of one coms at length to be the Generation of another. The Corruption then of *Monarchy* is call'd *Tyranny*; that of *Ariſtocracy*, *Oligarchy*; and that of *Democracy*, *Anarchy*. But Legiſlators having found theſe three Governments at the beſt to be naught, have invented another conſiſting of a mixture of them all, which only is good. This is the Doctrin of the Antients.

* Magiſtratus eſt lex armata.

BUT

BUT LEVIATHAN is positive, that they are all deceiv'd, and that there is no other Government in Nature than one of the three; as also that the Flesh of them cannot stink, the names of their Corruptions being but the names of mens Phansies, which will be understood when we are shown which of them was *Senatus Populusque Romanus*.

TO go my own way, and yet to follow the Ancients, the Principles of Government are twofold; Internal, or the goods of the Mind; and External, or the goods of Fortune. The goods of the Mind are natural or acquir'd Virtues, as Wisdom, Prudence, and Courage, *&c.* The goods of Fortune are Riches. There be goods also of the Body, as Health, Beauty, Strength; but these are not to be brought into account, upon this score, because if a Man or an Army acquires Victory or Empire, it is more from their Disciplin, Arms, and Courage, than from their natural Health, Beauty, or Strength, in regard that a People conquer'd may have more of natural Strength, Beauty and Health, and yet find little remedy. The Principles of Government then are in the goods of the Mind, or in the goods of Fortune. To the goods of the Mind answers authority; to the goods of Fortune, Power or Empire. Wherfore LEVIATHAN, tho he be right where he says that *Riches are Power*, is mistaken where he says that *Prudence, or the reputation of Prudence, is Power:* for the Learning or Prudence of a Man is no more Power than the Learning or Prudence of a Book or Author, which is properly Authority. A learned Writer may have Authority tho he has no Power; and a foolish Magistrat may have Power, tho he has otherwise no Esteem or Authority. The difference of these two is observ'd by LIVY in EVANDER, of whom he says, * that he govern'd rather by the Authority of others, than by his own Power.

Goods of the Mind and of Fortune

Empire and Authority

TO begin with Riches, in regard that Men are hung upon these, not of choice as upon the other, but of necessity and by the teeth: for as much as he who wants Bread, is his Servant that will feed him; if a Man thus feeds a whole People, they are under his Empire.

Empire.

EMPIRE is of two kinds, Domestic and National, or Foren and Provincial.

Division of Empire.

DOMESTIC Empire is founded upon Dominion.

Domestic Empire.

DOMINION is Property real or personal, that is to say, in Lands, or in Mony and Goods.

Dominion.

LANDS, or the parts and parcels of a Territory, are held by the Proprietor or Proprietors, Lord or Lords of it, in som proportion; and such (except it be in a City that has little or no Land, and whose Revenue is in Trade) as is the proportion or balance of Dominion or Property in Land, such is the nature of the Empire,

Balance in Lands.

IF one Man be sole Landlord of a Territory, or overbalance the People, for example three parts in four, he is Grand Signior: for so the *Turk* is call'd from his Property; and his Empire is absolute Monarchy.

Absolute Monarchy.

IF the Few or a Nobility, or a Nobility with the Clergy be Landlords, or overbalance the People to the like proportion, it makes the *Gothic* balance (to be shewn at large in the second part of this Discourse) and the Empire is mix'd Monarchy, as that of *Spain*, *Poland*, and late of *Oceana*.

Mix'd Monarchy.

* Regebat magis Autoritate quam Imperio.

AND

Popular Government.

AND if the whole People be Landlords, or hold the Lands ſo divided among them, that no one Man, or number of Men, within the compaſs of the *Few* or *Ariſtocracy*, overbalance them, the Empire (without the interpoſition of Force) is a Commonwealth.

Tyranny. Oligarchy. Anarchy.

IF Force be interpos'd in any of theſe three caſes, it muſt either frame the Government to the Foundation, or the Foundation to the Government; or holding the Government not according to the balance, it is not natural, but violent: and therfore if it be at the devotion of a Prince, it is *Tyranny*; if at the devotion of the Few, *Oligarchy*; or if in the power of the People *Anarchy*. Each of which Confuſions, the balance ſtanding otherwiſe, is but of ſhort continuance, becauſe againſt the nature of the balance, which, not deſtroy'd, deſtroys that which oppoſes it.

BUT there be certain other Confuſions, which, being rooted in the balance, are of longer continuance, and of worſe conſequence; as firſt, where a Nobility holds half the Property, or about that proportion, and the People the other half; in which caſe, without altering the balance, there is no remedy but the one muſt eat out the other: as the People did the Nobility in *Athens*, and the Nobility the People in *Rome*. Secondly, when a Prince holds about half the Dominion, and the People the other half (which was the caſe of the *Roman* Emperors, planted partly upon their military Colonies, and partly upon the Senat and the People) the Government becoms a very ſhambles both of the Princes and the People. Somwhat of this nature are certain Governments at this day, which are ſaid to ſubſiſt by confuſion. In this caſe, to fix the balance, is to entail miſery: but in the three former, not to fix it, is to loſe the Government. Wherfore it being unlawful in *Turky*, that any ſhould poſſeſs Land but the Grand Signior, the balance is fix'd by the Law, and that Empire firm. Nor, tho the Kings often fell, was the Throne of *Oceana* known to ſhake, until the Statute of *Alienations* broke the Pillars, by giving way to the Nobility to ſell their Eſtates. * While *Lacedemon* held to the diviſion of Land made by LYCURGUS, it was immoveable, but, breaking that, could ſtand no longer. This kind of Law fixing the balance in Lands is call'd *Agrarian*, and was firſt introduc'd by God himſelf, who divided the Land of *Canaan* to his People by Lots, and is of ſuch virtue, that wherever it has held, that Government has not alter'd, except by conſent; as in that unparallel'd example of the People of *Iſrael*, when being in liberty they would needs chuſe a King. But without an *Agrarian*, Government, whether Monarchical, Ariſtocratical, or Popular, has no long Leaſe.

AS for Dominion perſonal or in Mony, it may now and then ſtir up a MELIUS or a MANLIUS, which, if the Commonwealth be not provided with ſom kind of *Dictatorian* Power, may be dangerous, tho it has bin ſeldom or never ſucceſsful: becauſe to Property producing Empire, it is requir'd that it ſhould have ſom certain root or foot-hold, which, except in Land, it cannot have, being otherwiſe as it were upon the Wing.

Balance in Mony.

NEVERTHELESS, in ſuch Cities as ſubſiſt moſtly by Trade, and have little or no Land, as *Holland* and *Genoa*, the balance of Treaſure may be equal to that of Land in the caſes mention'd.

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* Si terra recedat, Ionium Ægæo frangit mare.

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BUT LEVIATHAN, tho he ſeems to ſcew at Antiquity, following his furious Maſter CARNEADES, has caught hold of the public Sword, to which he reduces all manner and matter of Government; as, where he affirms this opinion [*that any Monarch receives his Power by Covenant, that is to ſay, upon conditions*] *to procede from the not underſtanding this eaſy truth, That Covenants being but Words and Breath, have no power to oblige, contain, conſtrain, or protect any Man, but what they have from the public Sword.* But as he ſaid of the Law, that without this Sword it is but Paper; ſo he might have thought of this Sword, that without a Hand it is but cold Iron. The Hand which holds this Sword is the Militia of a Nation; and the Militia of a Nation is either an Army in the field, or ready for the field upon occaſion. But an Army is a Beaſt that has a great belly, and muſt be fed; wherfore this will com to what Paſtures you have, and what Paſtures you have will com to the balance of Property, without which the public Sword is but a name or mere ſpitfrog. Wherfore to ſet that which LEVIATHAN ſays of Arms and of Contracts a little ſtreighter; he that can graze this Beaſt with the great belly, as the *Turk* does his *Timariots*, may well deride him that imagines he receiv'd his Power by Covenant, or is oblig'd to any ſuch toy: it being in this caſe only that Covenants are but Words and Breath. But if the Property of the Nobility, ſtock'd with their Tenants and Retainers, be the paſture of that Beaſt, the Ox knows his Maſter's Crib; and it is impoſſible for a King in ſuch a Conſtitution to reign otherwiſe than by Covenant; or if he breaks it, it is words that com to blows.

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Arms and Contracts.

BUT ſays he, *when an Aſſembly of Men is made Soverain, then no Man imagins any ſuch Covenant to have paſt in the Inſtitution.* But what was that by PUBLICOLA of appeal to the People, or that wherby the People had their Tribuns? *Fy*, ſays he, *no body is ſo dull as to ſay, that the People of* Rome *made a Covenant with the* Romans, *to hold the Soverainty on ſuch or ſuch conditions; which not perform'd, the* Romans *might depoſe the* Roman *People.* In which there be ſeveral remarkable things; for he holds the Commonwealth of *Rome* to have conſiſted of one Aſſembly, wheras it conſiſted of the Senat and the People; That they were not upon Covenant, wheras every Law enacted by them was a Covenant between them; That the one Aſſembly was made Soverain, wheras the People who only were Soverain, were ſuch from the beginning, as appears by the antient ſtile of their Covenants or Laws, * *The Senat has reſolv'd, the People have decreed*; That a Council being made Soverain, cannot be made ſuch upon conditions, whereas the *Decemvirs* being a Council that was made Soverain, was made ſuch upon conditions; That all Conditions or Covenants making a Soverain, the Soverain being made, are void; whence it muſt follow that, the *Decemviri* being made, were ever after the lawful Government of *Rome*, and that it was unlawful for the Commonwealth of *Rome* to depoſe the *Decemvirs*; as alſo that CICERO, if he wrote otherwiſe out of his Commonwealth, did not write out of Nature. But to com to others that ſee more of this balance.

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Pag. 89.

YOU have ARISTOTLE full of it in divers places, eſpecially where he ſays, that *immoderat Wealth, as where One Man or the Few have greater Poſſeſſions than the Equality or the Frame of the Commonwealth*

B. 5, 3. 3, 9.

* Cenſuere patres, juſſit populus.

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will bear, is an occaſion of Sedition, which ends for the greater part in Monarchy; and that for this cauſe the Oſtraciſm has bin receiv'd in divers places, as in Argos *and* Athens. *But that it were better to prevent the growth in the beginning, than, when it has got head, to ſeek the remedy of ſuch an evil.*

D.B. 1. c. 55. MACHIAVEL has miſs'd it very narrowly and more dangerouſly; for not fully perceiving that if a Commonwealth be gall'd by the Gentry, it is by their overbalance, he ſpeaks of the Gentry as hoſtil to popular Governments, and of popular Governments as hoſtil to the Gentry; and makes us believe that the People in ſuch are ſo inrag'd againſt them, that where they meet a Gentleman they kill him: which can never be prov'd by any one example, unleſs in civil War; ſeeing that even in *Switzerland* the Gentry are not only ſafe, but in honor. But the Balance, as I have laid it down, tho unſeen by MACHIAVEL, is that which interprets him, and that which he confirms by his Judgment in many others as well as in this place, where he concludes, *That he who will go about to make a Commonwealth where there be many Gentlemen, unleſs he firſt deſtroys them, undertakes an Impoſſibility. And that he who goes about to introduce Monarchy where the condition of the People is equal, ſhall never bring it to paſs, unleſs he cull out ſuch of them as are the moſt turbulent and ambitious, and make them Gentlemen or Noblemen, not in name but in effect; that is, by inriching them with Lands, Caſtles, and Treaſures, that may gain them Power among the reſt, and bring in the reſt to dependence upon themſelves, to the end that they maintaining their Ambition by the Prince, the Prince may maintain his Power by them.*

WHERFORE as in this place I agree with MACHIAVEL, that a Nobility or Gentry, overbalancing a popular Government, is the utter bane and deſtruction of it; ſo I ſhall ſhew in another, that a Nobility or Gentry, in a popular Government, not overbalancing it, is the very life and ſoul of it.

The right of the Militia ſtated. BY what has bin ſaid, it ſhould ſeem that we may lay aſide further diſputes of the public Sword, or of the right of the Militia; which, be the Government what it will, or let it change how it can, is inſeparable from the overbalance in Dominion: nor, if otherwiſe ſtated by the Law or Cuſtom (as in the Commonwealth of *Rome* *, where the People having the Sword, the Nobility came to have the overbalance) avails it to any other end than deſtruction. For as a Building ſwaying from the Foundation muſt fall, ſo it fares with the Law ſwaying from Reaſon, and the Militia from the balance of Dominion. And thus much for the balance of National or Domeſtic Empire, which is in Dominion.

The Balance of foren Empire. THE balance of Foren or Provincial Empire is of a contrary nature. A man may as well ſay, that it is unlawful for him who has made a fair and honeſt purchaſe to have Tenants, as for a Government that has made a juſt progreſs, and inlargement of it ſelf, to have Provinces. But how a Province may be juſtly acquir'd, appertains to another place. In this I am to ſhew no more than how or upon what kind of balance it is to be held; in order wherto I ſhall firſt ſhew upon what kind of balance it is not to be held. It has bin ſaid, that national or independent Empire, of what kind ſoever, is to be exercis'd

* Conſules ſine lege Curiata rem militarem attingere non potuerunt.

by

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by them that have the proper balance of Dominion in the Nation; wherfore provincial or dependent Empire is not to be exercis'd by them that have the balance of Dominion in the Province, becauſe that would bring the Government from Provincial and Dependent, to National and Independent. Abſolute Monarchy, as that of the *Turks*, neither plants its People at home nor abroad, otherwiſe than as Tenants for life or at will; wherfore its National and Provincial Government is all one. But in Governments that admit the Citizen or Subject to Dominion in Lands, the richeſt are they that ſhare moſt of the Power at home; wheras the richeſt among the Provincials, tho native Subjects, or Citizens that have bin tranſplanted, are leaſt admitted to the Government abroad; for men, like flowers or roots being tranſplanted, take after the Soil wherin they grow. Wherfore the Commonwealth of *Rome*, by planting Colonys of its Citizens within the bounds of *Italy*, took the beſt way of propagating itſelf, and naturalizing the Country; whereas if it had planted ſuch Colonys without the bounds of *Italy*, it would have alienated the Citizens, and given a root to Liberty abroad, that might have ſprung up foren, or ſavage, and hoſtil to her: wherfore it never made any ſuch diſperſion of itſelf and its ſtrength, till it was under the yoke of the Emperors, who diſburdening themſelves of the People, as having leſs apprehenſion of what they could do abroad than at home, took a contrary courſe.

THE *Mamalucs* (which till any man ſhew me the contrary, I ſhall preſume to have bin a Commonwealth conſiſting of an Army, wherof the common Soldier was the People, the Commiſſion Officer the Senat, and the General the Prince) were Foreners, and by Nation *Circaſſians*, that govern'd *Egypt*; wherfore theſe never durſt plant themſelves upon Dominion, which growing naturally up into the National Intereſt, muſt have diſſolv'd the foren yoke in that Province.

THE like in ſome ſort may be ſaid of *Venice*, the Government wherof is uſually miſtaken: for *Venice*, tho it dos not take in the People, never excluded them. This Commonwealth, the Orders wherof are the moſt Democratical or Popular of all others, in regard of the exquiſit Rotation of the Senat, at the firſt inſtitution took in the whole People; they that now live under the Government without participation of it, are ſuch as have ſince either voluntarily choſen ſo to do, or were ſubdu'd by Arms. Wherfore the Subject of *Venice* is govern'd by Provinces; and the balance of Dominion not ſtanding, as has bin ſaid, with Provincial Government: As the *Mamalucs* durſt not caſt their Government upon this balance in their Provinces, leſt the National Intereſt ſhould have rooted out the Foren; ſo neither dare the *Venetians* take in their Subjects upon this balance, leſt the foren Intereſt ſhould root out the National (which is that of the 3000 now governing) and by diffuſing the Commonwealth throout her Territorys, loſe the advantage of her Situation, by which in great part it ſubſiſts. And ſuch alſo is the Government of the *Spaniard* in the *Indies*, to which he deputes Natives of his own Country, not admitting the *Creolios* to the Government of thoſe Provinces, tho deſcended from *Spaniards*.

BUT if a Prince or a Commonwealth may hold a Territory that is foren in this, it may be aſk'd, why he may not hold one that is native in the like manner? To which I anſwer, becauſe he can hold a foren by a native Territory, but not a native by a foren: and as hitherto I have ſhewn what is not the provincial Balance, ſo by this anſwer it

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may appear what it is, namely the Overbalance of a native Territory to a foren; for as one Country balances itſelf by the diſtribution of Property according to the proportion of the ſame, ſo one Country overbalances another by advantage of divers kinds. For example, the Commonwealth of *Rome* overbalanc'd her Provinces by the vigor of a more excellent Government oppos'd to a crazier, or by a more exquiſit Militia oppos'd to one inferior in Courage or Diſciplin. The like was that of the *Mamalucs*, being a hardy People, to the *Ægyptians* that were a ſoft one. And the balance of Situation is in this kind of wonderful effect; ſeeing the King of *Denmark*, being none of the moſt potent Princes, is able at the *Sound* to take Toll of the greateſt: and as this King by the advantage of the Land can make the Sea tributary; ſo *Venice*, by the advantage of the Sea, in whoſe arms ſhe is impregnable, can make the Land to feed her *Gulf*. For the Colonys in the *Indies*, they are yet Babes that cannot live without ſucking the breaſts of their Mother Citys, but ſuch as I miſtake if when they com of age they do not wean themſelves: which cauſes me to wonder at Princes that delight to be exhauſted in that way. And ſo much for the principles of Power, whether National or Provincial, Domeſtic or Foren; being ſuch as are external, and founded in the goods of Fortune.

Authority. I COM to the principles of Authority, which are internal, and founded upon the goods of the Mind. Theſe the Legiſlator that can unite in his Government with thoſe of Fortune, coms neareſt to the work of God, whoſe Government conſiſts of Heaven and Earth: which was ſaid by PLATO, tho' in different words, as, when Princes ſhould be Philoſophers, or Philoſophers Princes, the World would be Eccleſ. 10.15. happy. And ſays SOLOMON, *There is an evil which I have ſeen under the Sun, which procedes from the Ruler (enimvero neque nobilem, neque ingenuum, nec libertinum quidem armis præponere, regia utilitas eſt)* Tacit. *Folly is ſet in great Dignity, and the Rich* (either in Virtue and Wiſdom, Grot. in the goods of the Mind, or thoſe of Fortune upon that balance which gives them a ſenſe of the National Intereſt) *ſit in low places. I have ſeen Servants upon horſes, and Princes walking as Servants upon the earth.* Sad complaints, that the principles of Power and of Authority, the goods of the Mind and of Fortune, do not meet and twine in the Wreath or Crown of Empire! Wherfore, if we have any thing of Piety or of Prudence, let us raiſe our ſelves out of the mire of privat Intereſt to the contemplation of Virtue, and put a hand to the removal of *this evil from under the Sun*; this evil againſt which no Government that is not ſecur'd, can be good; this evil from which no Government that is ſecure muſt be perfect. SOLOMON tells us, that the cauſe of it is from the Ruler, from thoſe principles of power, which, balanc'd upon earthly traſh, exclude the heavenly treaſures of Virtue, and that influence of it upon Government, which is Authority. We have wander'd the Earth to find out the balance of power: but to find out that of Authority, we muſt aſcend, as I ſaid, nearer Heaven, or to the Image of God, which is the Soul of Man.

THE *Soul of Man* (whoſe life or motion is perpetual Contemplation or Thought) is the Miſtreſs of two potent Rivals, the one Reaſon, the other Paſſion, that are in continual ſuit; and, according as ſhe gives up her will to theſe or either of them, is the felicity or miſery which Man partakes in this mortal life.

FOR

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FOR as whatever was Paſſion in the contemplation of a man, being brought forth by his will into action, is Vice and the bondage of Sin; ſo whatever was Reaſon in the contemplation of a man, being brought forth by his will into action, is virtue and the freedom of Soul.

AGAIN, as thoſe actions of a man that were Sin acquire to himſelf Repentance or Shame, and affect others with Scorn or Pity; ſo thoſe actions of a man that are Virtue acquire to himſelf Honor, and upon others Authority.

NOW Government is no other than the Soul of a Nation or City: wherfore that which was Reaſon in the debate of a Commonwealth being brought forth by the reſult, muſt be Virtue; and foraſmuch as the Soul of a City or Nation is the Soverain Power, her Virtue muſt be Law. But the Government whoſe Law is Virtue, and whoſe Virtue is Law, is the ſame whoſe Empire is Authority, and whoſe Authority is Empire.

AGAIN, If the Liberty of a man conſiſts in the Empire of his Reaſon, the abſence wherof would betray him to the bondage of his Paſſions; then the Liberty of a Commonwealth conſiſts in the Empire of her Laws, the abſence wherof would betray her to the Luſt of Tyrants. And theſe I conceive to be the Principles upon which ARISTOTLE and LIVY (injuriouſly accus'd by LEVIATHAN for not writing out of nature) have grounded their Aſſertion, *That a Commonwealth is an Empire of Laws, and not of Men.* But they muſt not carry it ſo. *For*, ſays he, *the Liberty, wherof there is ſo frequent and honourable mention in the Hiſtorys and Philoſophy of the ancient Greecs and Romans, and the Writings and Diſcourſes of thoſe that from them have receiv'd all their Learning in the Politics, is not the Liberty of particular Men, but the Liberty of the Commonwealth.* He might as well have ſaid, that the Eſtates of particular Men in a Commonwealth are not the Riches of particular Men, but the Riches of the Commonwealth; for equality of Eſtates cauſes equality of Power, and equality of Power is the Liberty not only of the Commonwealth, but of every Man. But ſure a Man would never be thus irreverent with the greateſt Authors, and poſitive againſt all Antiquity, without ſom certain demonſtration of Truth: and, what is it? Why, *there is written on the Turrets of the City of* Lucca *in great Characters at this Day the word* LIBERTAS; *yet no Man can thence infer, that a particular Man has more Liberty or Immunity from the Service of the Commonwealth there, than in* Conſtantinople. *Whether a Commonwealth be Monarchical or Popular, the Freedom is the ſame.* The Mountain has brought forth, and we have a little Equivocation! For to ſay, that a *Luccheſe* has no more Liberty or Immunity from the Laws of *Lucca*, than a *Turk* has from thoſe of *Conſtantinople*; and to ſay that a *Luccheſe* has no more Liberty or Immunity by the Laws of *Lucca*, than a *Turk* has by thoſe of *Conſtantinople*, are pretty different Speeches. The firſt may be ſaid of all Governments alike; the ſecond ſcarce of any two; much leſs of theſe, ſeeing it is known, that wheras the greateſt *Baſha* is a Tenant, as well of his Head as of his Eſtate, at the Will of his Lord, the meaneſt *Luccheſe* that has Land, is a Freeholder of both, and not to be control'd but by the Law, and that fram'd by every privat Man to no other end (or they may thank themſelves) than to protect the Liberty of every privat Man, which by that means coms to be the Liberty of the Commonwealth. BUT

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BUT ſeeing they that make the Laws in Commonwealths are but Men, the main Queſtion ſeems to be, how a Commonwealth comes to be an Empire of Laws, and not of Men? or how the Debate or Reſult of a Commonwealth is ſo ſure to be according to reaſon; ſeeing they who debate, and they who reſolve, be but Men? *And as often as Reaſon is againſt a Man, ſo often will a Man be againſt Reaſon.*

Hobs.

THIS is thought to be a ſhrewd ſaying, but will do no harm; for be it ſo that Reaſon is nothing but Intereſt, there be divers Intereſts, and ſo divers Reaſons.

AS firſt, there is privat Reaſon, which is the Intereſt of a privat Man.

SECONDLY, There is Reaſon of State, which is the Intereſt (or Error, as was ſaid by SOLOMON) of the Ruler or Rulers, that is to ſay, of the Prince, of the Nobility, or of the People.

THIRDLY, There is that Reaſon, which is the Intereſt of Mankind, or of the whole. *Now if we ſee even in thoſe natural Agents that want ſenſe, that as in themſelves they have a Law which directs them in the means wherby they tend to their own perfection, ſo likewiſe that another Law there is, which touches them as they are ſociable parts united into one Body, a Law which binds them each to ſerve to others good, and all to prefer the good of the whole, before whatſoever their own particular; as when ſtones, or heavy things forſake their ordinary wont or center, and fly upwards, as if they heard themſelves commanded to let go the good they privately wiſh, and to relieve the preſent diſtreſs of Nature in common.*

Hooker. B. 1.

There is a common Right, Law of Nature, or Intereſt of the whole; which is more excellent, and ſo acknowleg'd to be by the Agents themſelves, than the Right or Intereſt of the Parts only. *Wherfore tho it may be truly ſaid that the Creatures are naturally carry'd forth to their proper utility or profit, that ought not to be taken in too general a ſenſe; ſeeing divers of them abſtain from their own profit, either in regard of thoſe of the ſame kind, or at leaſt of their young.*

Grot.

MANKIND then muſt either be leſs juſt than the Creature, or acknowlege alſo his common Intereſt to be common Right. And if Reaſon be nothing elſe but Intereſt, and the Intereſt of Mankind be the right Intereſt, then the Reaſon of Mankind muſt be right Reaſon. Now compute well; for if the Intereſt of popular Government com the neareſt to the Intereſt of Mankind, then the Reaſon of popular Government muſt com the neareſt to right Reaſon.

BUT it may be ſaid, that the difficulty remains yet; for be the Intereſt of popular Government right Reaſon, a man does not look upon Reaſon as it is right or wrong in itſelf, but as it makes for him or againſt him. Wherfore unleſs you can ſhew ſuch Orders of a Government, as, like thoſe of God in Nature, ſhall be able to conſtrain this or that Creature to ſhake off that Inclination which is more peculiar to it, and take up that which regards the common Good or Intereſt; all this is to no more end, than to perſuade every man in a popular Government not to carve himſelf of that which he deſires moſt, but to be mannerly at the public Table, and give the beſt from himſelf to Decency and the common Intereſt. But that ſuch Orders may be eſtabliſh'd, as may, nay muſt give the upper hand in all caſes to common Right or Intereſt, notwithſtanding the nearneſs of that which ſticks to every man in privat, and this in a way of equal certainty and facility, is known even to Girls, being no other than thoſe that are of common practice with them in

divers

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divers caſes. For example, two of them have a Cake yet undivided, which was given between them: that each of them therfore might have that which is due, Divide, ſays one to the other, and I will chuſe; or let me divide, and you ſhall chuſe. If this be but once agreed upon, it is enough: for the divident, dividing unequally, loſes, in regard that the other takes the better half; wherfore ſhe divides equally, and ſo both have right. *O the depth of the Wiſdom of God!* and yet *by the mouths of Babes and Sucklings has he ſet forth his ſtrength*; that which great Philoſophers are diſputing upon in vain, is brought to light by two harmleſs Girls, even the whole Myſtery of a Commonwealth, which lys only in dividing and chuſing. Nor has God (if his Works in Nature be underſtood) left ſo much to Mankind to diſpute upon, as who ſhall divide, and who chuſe, but diſtributed them for ever into two Orders, wherof the one has the natural right of dividing, and the other of chuſing. For Example:

The Orders of popular Government in Nature.

A COMMONWEALTH is but a civil Society of Men: let us take any number of Men (as twenty) and immediatly make a Commonwealth. Twenty Men (if they be not all Idiots, perhaps if they be) can never com ſo together, but there will be ſuch a difference in them, that about a third will be wiſer, or at leaſt leſs fooliſh than all the reſt; theſe upon acquaintance, tho it be but ſmall, will be diſcover'd, and (as Stags that have the largeſt heads) lead the herd: for while the ſix diſcourſing and arguing one with another, ſhew the eminence of their parts, the fourteen diſcover things that they never thought on; or are clear'd in divers Truths which had formerly perplex'd them. Wherfore in matter of common concernment, difficulty, or danger, they hang upon their lips as Children upon their Fathers; and the influence thus acquir'd by the ſix, the eminence of whoſe parts are found to be a ſtay and comfort to the fourteen, is * the *Authority of the Fathers*. Wherfore this can be no other than a natural Ariſtocracy diffus'd by God throout the whole Body of Mankind to this end and purpoſe; and therfore ſuch as the People have not only a natural, but a poſitive Obligation to make uſe of as their Guides; as where the People of *Iſrael* are commanded to *take wiſe men, and underſtanding, and known among their Tribes, to be made Rulers over them.* The ſix then approv'd of, as in the preſent caſe, are the Senat, not by hereditary Right, or in regard of the greatneſs of their Eſtates only (which would tend to ſuch Power as might force or draw the People) but by election for their excellent Parts, which tends to the advancement of the influence of their Virtue or Authority that leads the People. Wherfore the Office of the Senat is not to be Commanders, but Counſellors of the People; and that which is proper to Counſellors is firſt to debate, and afterward to give advice in the buſineſs wherupon they have debated; whence the Decrees of the Senat are never Laws, nor ſo † call'd: and theſe being maturely fram'd, it is their duty || to propoſe in the caſe to the People. Wherfore the Senat is no more than the debate of the Commonwealth. But to debate, is to diſcern or put a difference between things that, being alike, are not the ſame; or it is ſeparating and weighing this reaſon againſt that, and that reaſon againſt this, which is dividing.

Deut. 1. 13.

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* Authoritas Patrum. † Senatuſconſulta. || Ferre ad Populum.

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The People. THE Senat then having divided, who ſhall chuſe? Aſk the Girls: for if ſhe that divided muſt have choſen alſo, it had bin little worſe for the other in caſe ſhe had not divided at all, but kept the whole Cake to her ſelf, in regard that being to chuſe too, ſhe divided accordingly. Wherfore if the Senat have any farther power than to divide, the Commonwealth can never be equal. But in a Commonwealth conſiſting of a ſingle Council, there is no other to chuſe than that which divided; whence it is, that ſuch a Council fails not to ſcramble, that is, to be factious, there being no other dividing of the Cake in that caſe but among themſelves.

NOR is there any remedy but to have another Council to chuſe. The Wiſdom of the Few may be the Light of Mankind; but the Intereſt of the Few is not the Profit of Mankind, nor of a Commonwealth. Wherfore ſeeing we have granted Intereſt to be Reaſon, they muſt not chuſe, leſt it put out their Light. But as the Council dividing conſiſts of the Wiſdom of the Commonwealth, ſo the Aſſembly or Council chuſing ſhould conſiſt of the Intereſt of the Commonwealth: as the Wiſdom of the Commonwealth is in the Ariſtocracy, ſo the Intereſt of the Commonwealth is in the whole Body of the People. And wheras this, in caſe the Commonwealth conſiſt of a whole Nation, is too unweildy a body to be aſſembled, this Council is to conſiſt of ſuch a Repreſentative as may be equal, and ſo conſtituted, as can never contract any other Intereſt than that of the whole People; the manner whereof, being ſuch as is beſt ſhewn by Exemplification, I remit to the Model. But in the preſent caſe, the ſix dividing, and the fourteen chuſing, muſt of neceſſity take in the whole intereſt of the twenty.

DIVIDING and chuſing in the language of a Commonwealth is debating and reſolving; and whatſoever upon debate of the Senat is propos'd to the People, and reſolv'd by them, is enacted * by the authority of the Fathers, and by the power of the People, which concurring, make a Law.

The Magiſtracy. BUT the Law being made, ſays LEVIATHAN, *is but Words and Paper without the Hands and Swords of Men*; wherfore as theſe two Orders of a Commonwealth, namely the Senat and the People, are Legiſlative, ſo of neceſſity there muſt be a third to be executive of the Laws made, and this is the Magiſtracy; in which order, with the reſt being wrought up by art, the Commonwealth conſiſts of *the Senat propoſing, the People reſolving, and the Magiſtracy executing:* wherby partaking of the *Ariſtocracy* as in the Senat, of the *Democracy* as in the People, and of *Monarchy* as in the Magiſtracy, it is complete. Now there being no other Commonwealth but this in Art or Nature, it is no wonder if MACHIAVEL has ſhew'd us that the Ancients held this only to be good; but it ſeems ſtrange to me, that they ſhould hold that there could be any other: for if there be ſuch a thing as pure *Monarchy*, yet that there ſhould be ſuch a one as pure *Ariſtocracy*, or pure *Democracy*, is not in my underſtanding. But the Magiſtracy both in number and function is different in different Commonwealths. Nevertheleſs there is one Condition of it that muſt be the ſame in every one, or it diſſolves the Commonwealth where it is wanting. And this is no leſs than that as the Hand of the Magiſtrat is the executive

* Authoritate Patrum & juſſu Populi.

Power

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Power of the Law, ſo the head of the Magiſtrat is anſwerable to the People, that his execution be according to the Law; by which LEVIATHAN may ſee that the hand or ſword that executes the Law is in it, and not above it.

The Orders of a Commonwealth in experience, as that of Iſrael.

NOW whether I have rightly tranſcrib'd theſe Principles of a Commonwealth out of Nature, I ſhall appeal to God, and to the World. To God in the Fabric of the Commonwealth of *Iſrael:* and to the World in the univerſal Series of antient Prudence. But in regard the ſame Commonwealths will be open'd at large in the Council of Legiſlators, I ſhall touch them for the preſent but ſlightly, beginning with that of *Iſrael.*

THE Commonwealth of *Iſrael* conſiſted of the Senat, the People, and the Magiſtracy.

Of Iſrael.

THE People by their firſt diviſion, which was genealogical, were contain'd under their thirteen Tribes, Houſes, or Familys; wherof the firſtborn in each was Prince of his Tribe, and had the leading of it: the Tribe of LEVI only being ſet apart to ſerve at the Altar, had no other Prince but the High Prieſt. In their ſecond diviſion they were divided locally by their Agrarian, or the diſtribution of the Land of *Canaan* to them by lot, the Tithe of all remaining to LEVI; whence according to their local diviſion, the Tribes are reckon'd but twelve.

Numb. 1.

Joſh. *ch.* 13, *to ch.* 42.

The People.

THE Aſſemblys of the People thus divided were methodically gather'd by Trumpets to the Congregation; which was, it ſhould ſeem, of two ſorts. For if it were call'd with one Trumpet only, the Princes of the Tribes and the Elders only aſſembl'd; but if it were call'd with two, the whole People gather'd themſelves to the Congregation, for ſo it is render'd by the *Engliſh*; but in the *Greec* it is call'd *Eccleſia*, or the Church of God, and by the *Talmudiſt*, the great Synagog. The word *Eccleſia* was alſo anciently and properly us'd for the Civil Congregations or Aſſemblys of the People in *Athens*, *Lacedemon*, and *Epheſus*, where it is ſo call'd in Scripture, tho it be otherwiſe render'd by the Tranſlators, not much as I conceive to their commendation, ſeeing by that means they have loſt us a good Leſſon, the Apoſtles borrowing that name for their ſpiritual Congregations, to the end that we might ſee they intended the Government of the Church to be Democratical or Popular, as is alſo plain in the reſt of their Conſtitutions.

Numb. 10. 7.

Numb. 10. 4.

Numb 10. 3.

Judg. 20. 2.

Acts 19 23.

THE Church or Congregation of the People of *Iſrael* aſſembl'd in a military manner, and had the reſult of the Commonwealth, or the Power of confirming all their Laws, tho propos'd even by God himſelf; as where they make him King; and where they reject or depoſe him as Civil Magiſtrat, and elect SAUL. It is manifeſt, that he gives no ſuch example to a Legiſlator in a popular Government as to deny or evade the power of the People, which were a contradiction: but tho' he deſervedly blames the ingratitude of the People in that action, he commands SAMUEL, being next under himſelf Supreme Magiſtrat, *to hearken to their Voice* (for where the ſuffrage of the People goes for nothing, it is no Commonwealth) and comforts him ſaying, *They have not rejected thee, but they have rejected me that I ſhould not reign over them.* But to reject him that he ſhould not reign over them, was as Civil Magiſtrat to depoſe him. The Power therfore which the People had to depoſe even God himſelf as he was Civil Magiſtrat, leaves little doubt but that they had power to have rejected any of thoſe Laws confirmed by them throout the

Judg. 20. 2.

Exod. 19.

1 Sam. 8. 7.

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Dut. 29. Scripture, which (to omit the ſeveral parcels) are generally contain'd under two heads, thoſe that were made by Covenant with the People in the Land of *Moab*, and thoſe which were made by Covenant with the People in *Horeb*; which two, I think, amount to the whole body of the *Iſraelitiſh* Laws. But if all and every one of the Laws of *Iſrael* being propos'd by God, were no otherwiſe enacted than by Covenant with the People, then that only which was reſolv'd by the People of *Iſrael* was their Law; and ſo the reſult of that Commonwealth was Joſh. 7. 16. Judg. 20. 8, 9, 10. 1 Sam. 7. 6, 7, 8 1 Chron. 13. 2. 2 Chron. 30. 4. Judg. 11. 11. 1 Sam. 10. 17. 1 Mac. 14. Exod. 9. 3, 4, 5. Joſh. 7. 1 Sam. 10. in the People. Nor had the People the reſult only in matter of Law, but the Power in ſom caſes of Judicature; as alſo the right of levying War; cognizance in matter of Religion; and the election of their Magiſtrats, as the Judg or Dictator, the King, the Prince: which functions were exerciſed by the *Synagoga magna* or Congregation of *Iſrael*, not always in one manner; for ſometimes they were perform'd by the ſuffrage of the People, *viva voce*; ſometimes by the Lot only; and at others by the Ballot, or by a mixture of the Lot with the Suffrage, as in the caſe of ELDAD and MEDAD, which I ſhall open with the Senat.

The Senat.

THE Senat of *Iſrael* call'd in the Old Teſtament the *ſeventy Elders*, and in the New the *Sanhedrim* (which word is uſually tranſlated the Numb. 11. *Council*) was appointed by God, and conſiſted of Seventy Elders beſides MOSES, which were at firſt elected by the People; but in what Deut. 1. Numb. 11. manner is rather intimated than ſhewn. Nevertheleſs, becauſe I cannot otherwiſe underſtand the paſſage concerning ELDAD and MEDAD, of whom it is ſaid, *that they were of them that were written, but went not up to the Tabernacle*, then with the *Talmudiſts*, I conceive that ELDAD and MEDAD had the ſuffrage of the Tribes, and ſo were written as Competitors for Magiſtracy; but coming afterwards to the lot, fail'd of it, and therefore went not up to the Tabernacle, or place of Confirmation by God, or to the Seſſionhouſe of the Senat with the Seventy upon whom the lot fell to be Senators: for the Seſſionhouſe of the *Sanhedrim* was firſt in the Court of the Tabernacle, and afterwards in that of the Temple, where it came to be call'd the ſtone Chamber or Pavement. If this were the *Ballot* of *Iſrael*, that of *Venice* is the John. ſame tranſpos'd: for in *Venice* the Competitor is choſen as it were by the lot, in regard that the Electors are ſo made, and the Magiſtrat is choſen by the *Suffrage of the great Council or Aſſembly of the People*. But the *Sanhedrim* of *Iſrael* being thus conſtituted, MOSES for his time, and after him his Succeſſor, ſat in the midſt of it as *Prince* or *Archon*, and at his left hand the Orator or Father of the Senat; the reſt or the bench coming round with either horn like a Creſcent, had a Scribe attending upon the tip of it.

THIS Senat, in regard the Legiſlator of *Iſrael* was infallible, and the Laws given by God ſuch as were not fit to be altered by men, is much different in the exerciſe of their Power from all other Senats, except that of the *Areopagits* in *Athens*, which alſo was little more than a Supreme Judicatory; for it will hardly, as I conceive, be found that the *Sanhedrim* propos'd to the People till the return of the Children of *Iſrael* out of Captivity under *Eſdras*, at which time there was a new Law made, namely, for a kind of Excommunication, or rather Baniſhment, which had never bin before in *Iſrael*. Nevertheleſs it is not to be thought that the *Sanhedrim* had not always that right, which from the time of *Eſdras* is more frequently exercis'd, of propoſing to the

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the People, but that they forbore it in regard of the fulneſs and infallibility of the Law already made, wherby it was needleſs. Wherfore the function of this Council, which is very rare in a Senat, was executive, and conſiſted in the adminiſtration of the Law made; and wheras the Council it ſelf is often underſtood in Scripture by the Prieſt and the Levit, there is no more in that ſave only that the Prieſts and the Levits, who otherwiſe had no Power at all, being in the younger years of this Commonwealth, thoſe that were beſt ſtudy'd in the Laws were the moſt frequently elected into the *Sanhedrim*. For the Courts conſiſting of three and twenty Elders ſitting in the Gates of every City, and the *Triumvirats* of Judges conſtituted almoſt in every Village, which were parts of the executive Magiſtracy ſubordinat to the *Sanhedrim*, I ſhall take them at better leiſure, and in the larger Diſcourſe; but theſe being that part of this Commonwealth which was inſtituted by MOSES upon the advice of JETHRO the Prieſt of *Midian* (as I conceive a Heathen) are to me a ſufficient warrant even from God himſelf who confirm'd them, to make farther uſe of human Prudence, wherever I find it bearing a Teſtimony to it ſelf, whether in Heathen Commonwealths or others: And the rather, becauſe ſo it is, that we who have the holy Scriptures, and in them the Original of a Commonwealth, made by the ſame hand that made the World, are either altogether blind or negligent of it; while the Heathens have all written theirs, as if they had had no other Copy: As, to be more brief in the preſent account of that which you ſhall have more at large hereafter:

The Magiſtracy.

Deut 17. 9, 10, 11.

Exod. 18.

ATHENS conſiſted of the Senat of the *Bean* propoſing, of the Church or Aſſembly of the People reſolving, and too often debating, which was the ruin of it; as alſo of the Senat of the *Areopagits*, the nine *Archons*, with divers other Magiſtrats executing.

Of Athens.

LACEDEMON conſiſted of the Senat propoſing; of the Church or Congregation of the People reſolving only and never debating, which was the long Life of it; and of the two Kings, the Court of the *Ephors*, with divers other Magiſtrats executing.

Of Lacedemon.

CARTHAGE conſiſted of the Senat propoſing and ſometimes reſolving too; of the People reſolving and ſomtimes debating too, for which fault ſhe was reprehended by ARISTOTLE; and ſhe had her *Suffetes*, and her hundred Men, with other Magiſtrats executing.

Of Carthage.

ROME conſiſted of the Senat propoſing, the *Concio* or People reſolving, and too often debating, which cauſed her ſtorms; as alſo of the Conſuls, Cenſors, Ædils, Tribuns, Pretors, Queſtors, and other Magiſtrats executing.

Of Rome.

VENICE conſiſts of the Senat or *Pregati* propoſing, and ſomtimes reſolving too; of the great Council or Aſſembly of the People, in whom the reſult is conſtitutively; as alſo of the *Doge*, the *Signory*, the *Cenſors*, the *Dieci*, the *Quazancies*, and other Magiſtrats executing.

Of Venice.

THE proceding of the Commonwealths of *Switzerland* and *Holland* is of a like nature, tho' after a more obſcure manner; for the Soveraintys, whether Cantons, Provinces, or Citys, which are the People, ſend their Deputies commiſſion'd and inſtructed by themſelves (wherin they reſerve the Reſult in their own power) to the Provincial or general Convention, or Senat, where the Deputies debate, but have no other power of Reſult than what was confer'd upon them by the People, or is farther confer'd by the ſame upon farther occaſion. And

Of Switzerland *and* Holland.

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for the executive part they have Magiſtrats or Judges in every Canton, Province or City, beſides thoſe which are more public, and relate to the League, as for adjuſting Controverſies between one Canton, Province or City, and another; or the like between ſuch perſons as are not of the ſame Canton, Province or City.

BUT that we may obſerve a little farther how the Heathen Politicians have written, not only out of Nature, but as it were out of Scripture: As in the Commonwealth of *Iſrael* God is ſaid to have bin King; ſo the Commonwealth where the Law is King, is ſaid by ARISTOTLE to be *the Kingdom of God.* And where by the Luſts or Paſſions of Men a Power is ſet above that of the Law deriving from Reaſon, which is the dictat of God, God in that ſenſe is rejected or depos'd that he ſhould not reign over them, as he was in *Iſrael.*

Page 170. And yet LEVIATHAN will have it, that *by reading of theſe Greec and Latin* (he might as well in this ſenſe have ſaid *Hebrew*) *Authors, young Men, and all others that are unprovided of the antidot of ſolid Reaſon, receiving a ſtrong and delightful impreſſion of the great Exploits of War, atchiev'd by the Conductors of their Armys, receive withal a pleaſing Idea of all they have don beſides; and imagin their great proſperity not to have proceded from the emulation of particular Men, but from the virtue of their popular form of Government, not conſidering the frequent Seditions and Civil Wars produc'd by the imperfection of their Polity.* Where, firſt, the blame he lays to the Heathen Authors, is in his ſenſe laid to the Scripture; and wheras he holds them to be young Men, or Men of no antidot that are of like opinions, it ſhould ſeem that MACHIAVEL, the ſole retriever of this antient Prudence, is to his ſolid Reaſon, a beardleſs Boy that has newly read LIVY. And how ſolid his Reaſon is, may appear, where he grants the great proſperity of antient Commonwealths, which is to give up the Controverſy. For ſuch an effect muſt have ſom adequat cauſe; which to evade he inſinuats that it was nothing elſe but the emulation of particular Men: as if ſo great an Emulation could have bin generated without as great Virtue; ſo great Virtue without the beſt Education; and beſt Education without the beſt Law; or the beſt Laws any otherwiſe than by the excellency of their Polity.

BUT if ſom of theſe Commonwealths, as being leſs perfect in their Polity than others, have bin more ſeditious, it is not more an argument of the infirmity of this or that Commonwealth in particular, than of the excellency of that kind of Polity in general; which if they, that have not altogether reach'd, have nevertheleſs had greater proſperity, what would befal them that ſhould reach?

IN anſwer to which Queſtion let me invite LEVIATHAN, who of all other Governments gives the advantage to Monarchy for perfection, to a better diſquiſition of it by theſe three aſſertions.

THE firſt, That the perfection of Government lys upon ſuch a libration in the frame of it, that no Man or Men in or under it can have the intereſt; or having the intereſt, can have the power to diſturb it with Sedition.

THE ſecond, That Monarchy, reaching the perfection of the kind, reaches not to the perfection of Government; but muſt have ſom dangerous flaw in it.

THE third, That popular Government, reaching the perfection of the kind, reaches the perfection of Government, and has no flaw in it.

THE firſt aſſertion requires no proof. FOR

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FOR the proof of the ſecond; Monarchy, as has bin ſhewn, is of two kinds, the one by Arms, the other by a Nobility, and there is no other kind in Art or Nature: for if there have been antiently ſom Governments call'd Kingdoms, as one of the *Goths* in *Spain*, and another of the *Vandals* in *Africa*, where the King rul'd without a Nobility, and by a Council of the People only; it is expreſly ſaid by the Authors that mention them, that the Kings were but the Captains, and that the People not only gave them Laws, but depos'd them as often as they pleas'd. Nor is it poſſible in reaſon that it ſhould be otherwiſe in like caſes; wherfore theſe were either no Monarchys, or had greater flaws in them than any other.

BUT for a Monarchy by Arms, as that of the *Turc* (which of all models that ever were coms up to the perfection of the kind) it is not in the wit or power of Man to cure it of this dangerous flaw, That the *Janizarys* have frequent intereſt and perpetual power to raiſe Sedition, and to tear the Magiſtrat, even the Prince himſelf, in pieces. Therfore the Monarchy of *Turky* is no perfect Government.

AND for a Monarchy by Nobility, as of late in *Oceana* (which of all other models before the declination of it came up to the perfection in that kind) it was not in the power or wit of Man to cure it of that dangerous flaw, That the Nobility had frequent intereſt and perpetual power by their Retainers and Tenants to raiſe Sedition; and (wheras the *Janizarys* occaſion this kind of Calamity no ſooner than they make an end of it) to levy a laſting War, to the vaſt effuſion of Blood, and that even upon occaſions wherin the People, but for their dependence upon their Lords, had no concernment, as in the feud of the *Red* and *White*. The like has bin freqent in *Spain*, *France*, *Germany*, and other Monarchys of this kind; wherfore Monarchy by a Nobility is no perfect Government.

FOR the proof of the third aſſertion; LEVIATHAN yields it to me, that there is no other Commonwealth but Monarchical or Popular: wherfore if no Monarchy be a perfect Government, then either there is no perfect Government, or it muſt be popular; for which kind of Conſtitution I have ſomething more to ſay, than LEVIATHAN has ſaid or ever will be able to ſay for Monarchy. As,

FIRST, That it is the Government that was never conquer'd by any Monarch, from the beginning of the World to this day: for if the Commonwealths of *Greece* came under the yoke of the Kings of *Macedon*, they were firſt broken by themſelves.

SECONDLY, That it is the Government that has frequently led mighty Monarchs in Triumph.

THIRDLY, That it is the Government, which, if it has bin ſeditious, it has not bin ſo from any imperfection in the kind, but in the particular Conſtitution; which, wherever the like has happen'd, muſt have bin inequal.

FOURTHLY, That it is the Government, which, if it has bin any thing near equal, was never ſeditious; or let him ſhew me what Sedition has happen'd in *Lacedemon* or *Venice*.

FIFTHLY, That it is the Government, which, attaining to perfect equality, has ſuch a libration in the frame of it, that no Man living can ſhew which way any Man or Men, in or under it can contract any ſuch Intereſt or Power as ſhould be able to diſturb the Commonwealth with Sedition; wherfore an equal Commonwealth is that

only

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only which is without flaw, and contains in it the full perfection of Government. But to return.

BY what has bin ſhewn in Reaſon and Experience it may appear, that tho Commonwealths in general be Governments of the Senat propoſing, the People reſolving, and the Magiſtracy executing; yet ſom are not ſo good at theſe Orders as others, thro ſom impediment or defect in the frame, balance, or capacity of them, according to which they are of divers kinds.

Diviſion of Common-wealths. THE firſt diviſion of them is into ſuch as are ſingle, as *Iſrael*, *Athens*, *Lacedemon*, &c. and ſuch as are by Leagues, as thoſe of the *Acheans*, *Etolians*, *Lycians*, *Switz*, and *Hollanders*.

THE ſecond (being MACHIAVEL's) is into ſuch as are for preſervation, as *Lacedemon* and *Venice*, and ſuch as are for increaſe, as *Athens* and *Rome*; in which I can ſee no more than that the former takes in no more Citizens than are neceſſary for defence, and the latter ſo many as are capable of increaſe.

THE third diviſion (unſeen hitherto) is into equal and inequal, and this is the main point, eſpecially as to domeſtic Peace and Tranquillity; for to make a Commonwealth inequal, is to divide it into partys, which ſets them at perpetual variance, the one party endeavouring to preſerve their Eminence and Inequality, and the other to attain to Equality: whence the People of *Rome* deriv'd their perpetual ſtrife with the Nobility and Senat. But in an equal Commonwealth there can be no more ſtrife than there can be overbalance in equal weights; wherfore the Commonwealth of *Venice*, being that which of all others is the moſt equal in the Conſtitution, is that wherin there never happen'd any ſtrife between the Senat and the People.

AN equal Commonwealth is ſuch a one as is equal both in the balance or foundation, and in the ſuperſtructure; that is to ſay, in her Agrarian Law, and in her Rotation.

Equal Agrarian. AN equal *Agrarian* is a perpetual Law eſtabliſhing and preſerving the balance of Dominion by ſuch a diſtribution, that no one Man or number of Men, within the compaſs of the Few or *Ariſtocracy*, can com to overpower the whole People by their poſſeſſions in Lands.

AS the *Agrarian* anſwers to the Foundation, ſo dos *Rotation* to the Superſtructures.

Rotation. EQUAL *Rotation* is equal viciſſitude in Government, or ſucceſſion to Magiſtracy confer'd for ſuch convenient terms, enjoying equal vacations, as take in the whole body by parts, ſucceding others, thro the free election or ſuffrage of the People.

Prolongation of Magiſtracy. THE contrary wherunto is prolongation of Magiſtracy, which, traſhing the wheel of Rotation, deſtroys the life or natural motion of a Commonwealth.

Ballot. THE election or ſuffrage of the People is moſt free, where it is made or given in ſuch a manner, that it can neither oblige * nor diſoblige another; nor thro fear of an Enemy, or baſhfulneſs towards a Friend, impair a Man's liberty.

WHERFORE, ſays CICERO, † the Tablet or Ballot of the People of *Rome* (who gave their Votes by throwing Tablets or little pieces of Wood ſecretly into Urns mark'd for the negative or affirma-

* Qui beneficium accepit, libertatem vendidit. † Grata populo eſt tabella quæ frontes aperit hominum, mentes tegit, datque eam libertatem ut quod velint faciant.

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tive) was a welcom Conſtitution to the People, as that which, not impairing the aſſurance of their brows, increas'd the freedom of their Judgment. I have not ſtood upon a more particular deſcriprion of this Ballot, becauſe that of *Venice* exemplify'd in the Model is of all others the moſt perfect.

A N *equal Commonwealth* (by that which has bin ſaid) *is a Government eſtabliſh'd upon an equal Agrarian, ariſing into the Superſtructures or three Orders, the Senat debating and propoſing, the People reſolving, and the Magiſtracy executing by an equal Rotation thro the ſuffrage of the People given by the Ballot.* For tho Rotation may be without the Ballot, and the Ballot without Rotation, yet the Ballot not only as to the inſuing Model includes both, but is by far the moſt equal way; for which cauſe under the name of the Ballot I ſhall hereafter underſtand both that and Rotation too. *Definition of an equal Commonwealth.*

N O W having reaſon'd the Principles of an equal Commonwealth, I ſhould com to give an inſtance of ſuch a one in experience, if I could find it; but if this work be of any value, it lys in that it is the firſt example of a Commonwealth that is perfectly equal. For *Venice* tho it coms the neareſt, yet is a Commonwealth for preſervation; and ſuch a one, conſidering the paucity of Citizens taken in, and the number not taken in, is externally unequal: and tho every Commonwealth that holds Provinces muſt in that regard be ſuch, yet not to that degree. Nevertheleſs *Venice* internally, and for her capacity, is by far the moſt equal, tho it has not in my judgment arriv'd at the full perfection of equality; both becauſe her Laws ſupplying the defect of an Agrarian, are not ſo clear nor effectual at the Foundation, nor her Superſtructures by the virtue of her Ballot or Rotation exactly librated; in regard that thro the paucity of her Citizens, her greater Magiſtracys are continually wheel'd thro a few hands, as is confeſt by JANOTTI where he ſays, that if a Gentleman coms once to be *Savio di terra ferma*, it ſeldom happens that he fails from thenceforward to be adorn'd with ſom one of the greater Magiſtracys, as *Savi di mare*, *Savi di terra ferma*, *Savi Grandi*, Counſellors, thoſe of the Decemvirat or Dictatorian Council, the *Aurogatori* or Cenſors which require no vacation or interval. Wherfore if this in *Venice*, or that in *Lacedemon*, where the Kings were hereditary, and the Senators (tho elected by the People) for life, cauſe no inequality (which is hard to be conceiv'd) in a Commonwealth for preſervation, or ſuch a one as conſiſts of a few Citizens; yet is it manifeſt, that it would cauſe a verry great one in a Commonwealth for increaſe, or conſiſting of the Many, which by ingroſſing the Magiſtracys in a few hands, would be obſtructed in their Rotation.

B U T there be who ſay (and think it a ſtrong Objection) that let a Commonwealth be as equal as you can imagin, two or three Men when all is don will govern it; and there is that in it, which, notwithſtanding the pretended ſufficiency of a popular ſtate, amounts to a plain confeſſion of the imbecility of that Policy, and of the Prerogative of Monarchy: for as much as popular Governments in difficult caſes have had recourſe to Dictatorian Power, as in *Rome*.

T O which I anſwer, That as Truth is a ſpark to which Objections are like bellows, ſo in this reſpect our Commonwealth ſhines; for the Eminence acquir'd by ſuffrage of the People in a Commonwealth, eſpecially if it be popular and equal, can be aſcended by no other ſteps than

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than the universal acknowlegement of Virtue: and where men excel in Virtue, the Commonwealth is stupid and injust, if accordingly they do not excel in Authority. Wherfore this is both the advantage of Virtue, which has her due incouragement, and of the Commonwealth which has her due services. These are the Philosophers which PLATO would have to be Princes, the Princes which SOLOMON would have to be mounted, and their Steeds are those of Authority, not Empire: or, if they be buckl'd to the Chariot of Empire, as that of the Dictatorian Power, like the Chariot of the Sun, it is glorious for terms and vacations, or intervals. And as a Commonwealth is a Government of Laws and not of Men, so is this the Principality of Virtue, and not of Man; if that fail or set in one, it rises in another * who is created his immediat Successor. And this takes away that vanity from under the Sun, which is an Error proceding more or less from all other Rulers under Heaven but an equal Commonwealth.

THESE things consider'd, it will be convenient in this place to speak a word to such as go about to insinuat to the Nobility or Gentry a fear of the People, or to the People a fear of the Nobility or Gentry, as if their interests were destructive to each other; when indeed an Army may as well consist of Soldiers without Officers, or of Officers without Soldiers, as a Commonwealth (especially such a one as is capable of Greatness) of a People without a Gentry, or of a Gentry without a People. Wherfore this (tho not always so intended as may appear by MACHIAVEL, who else would be guilty) is a pernicious error. There is somthing first in the making of a Commonwealth, then in the governing of it, and last of all in the leading of its Armys; which (tho there be great Divines, great Lawyers, great men in all professions) seems to be peculiar only to the Genius of a Gentleman. For so it is in the universal series of Story, that if any man has founded a Commonwealth, he was first a Gentleman. MOSES had his Education by the Daughter of PHARAOH; THESEUS and SOLON, of noble Birth, were held by the *Athenians* worthy to be Kings; LYCURGUS was of the Royal Blood; ROMULUS and NUMA Princes; BRUTUS and PUBLICOLA *Patricians*; the GRACCHI, that lost their lives for the People of *Rome* and the restitution of that Commonwealth, were the Sons of a Father adorn'd with two Triumphs, and of CORNELIA the Daughter of SCIPIO, who being demanded in marriage by King PTOLEMY, disdain'd to becom the Queen of *Egypt*. And the most renown'd OLPHAUS MEGALETOR, sole Legislator (as you will see anon) of the Commonwealth of *Oceana*, was deriv'd from a noble Family: nor will it be any occasion of scruple in this case, that LEVIATHAN affirms the Politics to be no antienter than his Book *de Cive*. Such also as have got any fame in the Civil Government of a Commonwealth, or by the leading of its Armys, have bin Gentlemen; for so in all other respects were those plebeian Magistrates elected by the People of *Rome*, being of known Descents, and of equal Virtues, except only that they were excluded from the name by the Usurpation of the *Patricians*. *Holland*, thro this defect at home, has borrow'd Princes for Generals, and Gentlemen of divers Nations for Commanders: And the *Switzers*, if they have any defect in this

* Uno avulso, non deficit alter
Aureus, & simili frondescit virga metallo.

kind,

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kind, rather lend their People to the Colors of other Princes, than make that noble uſe of them at home, which ſhould aſſert the Liberty of Mankind. For where there is not a Nobility to hearten the People, they are ſlothful, regardleſs of the World, and of the public intereſt of Liberty, as even thoſe of *Rome* had bin without their Gentry: wherfore let the People embrace the Gentry in peace, as the light of their eys; and in war, as the trophy of their arms; and if CORNELIA diſdain'd to be Queen of *Egypt*, if a Roman Conſul look'd down from his Tribunal upon the greateſt King; let the Nobility love and cheriſh the People that afford them a Throne ſo much higher in a Commonwealth in the acknowlegement of their Virtue, than the Crowns of Monarchs.

An inequal Commonwealth.

BUT if the equality of a Commonwealth conſiſt in the equality firſt of the Agrarian, and next of the Rotation, then the inequality of a Commonwealth muſt conſiſt in the abſence or inequality of the Agrarian, or of the Rotation, or of both.

ISRAEL and *Lacedemon*, which Commonwealths (as the People of this, in JOSEPHUS, claims kindred of that) have great reſemblance, were each of them equal in their Agrarian, and inequal in their Rotation; eſpecially *Iſrael*, where the *Sanhedrim* or Senat, firſt elected by the People, as appears by the words of MOSES, took upon them ever after, without any Precept of God, to ſubſtitute their Succeſſors by Ordination; which having bin there of civil uſe, as Excommunication, Community of Goods, and other Cuſtoms of the *Eſſeans*, who were many of them converted, came afterward to be introduced into the Chriſtian Church. And the election of the Judg, *Suffes* or Dictator, was irregular, both for the occaſion, the term, and the vacation of that Magiſtracy; as you find in the Book of *Judges*, where it is often repeated, That in thoſe days there was no King in *Iſrael*, that is, no Judg: and in the firſt of SAMUEL, where ELY judg'd *Iſrael* forty years, and SAMUEL, all his life. In *Lacedemon* the election of the Senat being by ſuffrage of the People, tho for life, was not altogether ſo inequal; yet the hereditary Right of Kings, were it not for the Agrarian, had ruin'd her. Deut. 1.

ATHENS and *Rome* were inequal as to their Agrarian, that of *Athens* being infirm, and this of *Rome* none at all; for if it were more antiently carry'd, it was never obſerv'd. Whence by the time of TIBERIUS GRACCHUS the Nobility had almoſt eaten the People quite out of their Lands, which they held in the occupation of Tenants and Servants: Wherupon the Remedy being too late, and too vehemently apply'd, that Commonwealth was ruin'd.

THESE alſo were inequal in their Rotation, but in a contrary manner. *Athens*, in regard that the Senat (choſen at once by lot, not by ſuffrage, and chang'd every year, not in part, but in the whole) conſiſted not of the natural Ariſtocracy; nor ſitting long enough to underſtand, or to be perfect in their office, had no ſufficient Authority to reſtrain the People from that perpetual Turbulence in the end, which was their ruin, notwithſtanding the efforts of NICIAS, who did all a man could do to help it. But as *Athens* by the headineſs of the People, ſo *Rome* fell by the Ambition of the Nobility, thro the want of an equal Rotation; which if the People had got into the Senat, and timely into the Magiſtracys (whereof the former was always uſurp'd

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by the *Patricians*, and the latter for the moſt part) they had both carry'd and held their Agrariarn, and that had render'd that Commonwealth immovable.

BUT let a Commonwealth be equal or inequal, it muſt conſiſt, as has bin ſhewn by Reaſon and all Experience, of the three general Orders; that is to ſay, of the Senat debating and propoſing, of the People reſoving, and of the Magiſtracy executing. Wherfore I can never wonder enough at LEVIATHAN, who, without any reaſon or example, will have it that a Commonwealth conſiſts of a ſingle Perſon, or of a ſingle Aſſembly; nor can I ſufficiently pity thoſe *thouſand Gentlemen, whoſe Minds, which otherwiſe would have waver'd, he has fram'd* (as is affirm'd by himſelf) *into a conſcientious obedience* (for ſo he is pleas'd to call it) *of ſuch a Government*.

BUT to finiſh this part of the Diſcourſe, which I intend for as complete an Epitome of antient Prudence, and in that of the whole Art of Politics, as I am able to frame in ſo ſhort a time;

THE two firſt Orders, that is to ſay, the Senat and the People, are Legiſlative, wherunto anſwers that part of this Science which by Politicians is intitl'd * *of Laws*; and the third Order is executive, to which anſwers that part of the ſame Science which is ſtil'd † *of the Frame and Courſe of Courts or Judicatorys*. A word to each of theſe will be neceſſary.

Of Laws. AND firſt for Laws, they are either Eccleſiaſtical or Civil, ſuch as concern Religion or Government.

LAWS Eccleſiaſtical, or ſuch as concern Religion, according to the univerſal courſe of antient Prudence, are in the power of the Magiſtrat; but according to the common practice of modern Prudence, ſince the Papacy, torn out of his hands.

BUT, as a Government pretending to Liberty, and yet ſuppreſſing Liberty of Conſcience (which, becauſe Religion not according to a man's Conſcience can to him be none at all, is the main) muſt be a contradiction; ſo, a man that, pleading for the Liberty of privat Conſcience, refuſes Liberty to the National Conſcience, muſt be abſurd.

A COMMONWEALTH is nothing elſe but the National Conſcience. And if the conviction of a man's privat Conſcence produces his privat Religion, the conviction of the national Conſcience muſt produce a national Religion. Whether this be well reaſon'd, as alſo whether theſe two may ſtand together, will beſt be ſhewn by the examples of the antient Commonwealths taken in their order.

IN that of *Iſrael* the Government of the National Religion appertain'd not to the Prieſts and Levites, otherwiſe than as they happen'd to be of the *Sanhedrim* or Senat, to which they had no right at all but by election. It is in this capacity therfore that the People are commanded
Deut. 17. under pain of death *to hearken to them, and to do according to the ſentence of the Law which they ſhould teach*; but in *Iſrael* the Law Eccleſiaſtical and Civil was the ſame, therfore the *Sanhedrim* having the power of one, had the power of both. But as the national Religion appertain'd to the Juriſdiction of the *Sanhedrim*, ſo the Liberty of Conſcience appertain'd, from the ſame date, and by the ſame right, to the
Deut. 18. 10. Prophets and their Diſciples; as where it is ſaid, *I will raiſe up a Pro-*

* De Legibus. † De Judiciis.

phet

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phet——*and whoever will not hearken to my words which he ſhall ſpeak in my name, I will require it of him.* The words relate to prophetic Right, which was above all the Orders of this Commonwealth; whence ELIJAH not only refus'd to obey the King, but deſtroy'd his Meſſengers with fire. And wheras it was not lawful by the National Religion to ſacrifice in any other place than the Temple, a Prophet was his own Temple, and might ſacrifice where he would, as ELIJAH did in *Mount Carmel.* By this right JOHN the *Baptiſt* and our Saviour, to whom it more particularly related, had their Diſciples, and taught the people; whence is deriv'd our preſent right of GATHER'D CONGREGATIONS: Wherfore the Chriſtian Religion grew up according to the Orders of the Commonwealth of *Iſrael*, and not againſt them. Nor was Liberty of Conſcience infring'd by this Government, till the civil Liberty of the ſame was loſt, as under HEROD, PILAT, and TIBERIUS, a threepil'd Tyranny.

2 Kings 1.

1 Kings 18. 19.

To procede, *Athens* preſerv'd her Religion, by the teſtimony of PAUL, with great Superſtition: If ALCIBIADES, that Atheiſtical fellow, had not ſhew'd them a pair of heels, they had ſhaven off his head for ſhaving their MERCURYS, and making their Gods look ridiculouſly upon them without beards. Nevertheleſs, if PAUL reaſon'd with them, they lov'd news, for which he was the more welcom; and if he converted DIONYSIUS the *Areopagit*, that is, one of the Senators, there follow'd neither any hurt to him, nor loſs of honor to DIONYSIUS. And for *Rome*, if CICERO, in his moſt excellent Book *de natura Deorum*, overthrew the National Religion of that Commonwealth, he was never the farther from being Conſul. But there is a meanneſs and poorneſs in modern Prudence, not only to the damage of Civil Government, but of Religion it ſelf: for to make a man in matter of Religion, which admits not of ſenſible demonſtration *(jurare in verba Magiſtri)* engage to believe no otherwiſe than is believ'd by my Lord Biſhop, or Goodman Preſbyter, is a Pedantiſm, that has made the Sword to be a Rod in the hands of Schoolmaſters; by which means, wheras the Chriſtian Religion is the fartheſt of any from countenancing War, there never was a War of Religion but ſince Chriſtianity: For which we are beholden to the Pope; for the Pope not giving liberty of Conſcience to Princes and Commonwealths, they cannot give that to their Subjects which they have not themſelves: whence both Princes and Subjects either thro his inſtigation, or their own diſputes, have introduc'd that execrable cuſtom, never known in the world before, of fighting for Religion, and denying the Magiſtrat to have any juriſdiction concerning it; wheras the Magiſtrat's loſing the power of Religion loſes the Liberty of Conſcience, which in that caſe has nothing to protect it. But if the People be otherwiſe taught, it concerns them to look about them, and to diſtinguiſh between the ſhrieking of the Lapwing, and the voice of the Turtle.

TO com to Civil Laws, if they ſtand one way and the balance another, it is the caſe of a Government which of neceſſity muſt be new model'd; wherefore your Lawyers adviſing you upon the like occaſions to fit your Government to their Laws, are no more to be regarded, than your Taylor if he ſhould deſire you to fit your body to his doublet. There is alſo danger in the plauſible pretence of reforming the Law, except the Government be firſt good, in which caſe it is a good

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Tree, and (trouble not your ſelves overmuch) brings not forth evil fruit; otherwiſe, if the Tree be evil, you can never reform the fruit: or if a Root that is naught bring forth fruit of this kind that ſeems to be good, take the more heed, for it is the ranker poiſon. It was no wiſe probable, if AUGUSTUS had not made excellent Laws, that the bowels of *Rome* could have com to be ſo miſerably eaten out by the Tyranny of TIBERIUS and his Succeſſors. The beſt Rule as to your Laws in general is, that they be few. *Rome* by the teſtimony of CICERO was beſt govern'd under thoſe of the twelve Tables; and by that of TACITUS, *Plurimæ leges, corruptiſſima reſpublica.* You will be told, That where the Laws be few, they leave much to Arbitrary Power; but where they be many, they leave more: The Laws in this caſe, according to JUSTINIAN and the beſt Lawyers, being as litigious as the Suitors. SOLON made few; LYCURGUS fewer Laws: and Commonwealths have the feweſt at this day of all other Governments.

Of Courts. NOW to conclude this part with a word *de Judiciis*, or of the *Conſtitution or Courſe of Courts*; it is a Diſcourſe not otherwiſe capable of being well manag'd but by particular examples, both the Conſtitution and Courſe of Courts being divers in different Governments, but beſt beyond compare in *Venice*, where they regard not ſo much the Arbitrary Power of their Courts, as the Conſtitution of them; wherby that Arbitrary Power being altogether unable to retard or do hurt to buſineſs, produces and muſt produce the quickeſt diſpatch, and the moſt righteous dictats of Juſtice that are perhaps in human nature. The manner I ſhall not ſtand in this place to deſcribe, becauſe it is exemplify'd at large in the Judicature of the People of *Oceana*. And thus much of antient Prudence, and the firſt branch of this preliminary Diſcourſe.

The

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The Second Part of the Preliminarys.

IN the ſecond Part I ſhall endeavor to ſhew the Riſe, Progreſs, and Declination of modern Prudence.

THE date of this kind of Policy is to be computed, as was ſhewn, from thoſe Inundations of *Goths*, *Vandals*, *Huns*, and *Lombards*, that overwhelm'd the *Roman* Empire. But as there is no appearance in the Bulk or Conſtitution of modern Prudence, that it ſhould ever have bin able to com up and grapple with the Antient, ſo ſomthing of neceſſity muſt have interpos'd, whereby this came to be enervated, and that to receive ſtrength and incouragement. And this was the execrable Reign of the *Roman* Emperors taking riſe from (that *fœlix ſcelus*) the Arms of CÆSAR, in which ſtorm the Ship of the *Roman* Commonwealth was forc'd to diſburden itſelf of that precious Fraight, which never ſince could emerge or raiſe its head but in the *Gulf of Venice*.

The Tranſition of Antient into Modern Prudence.

IT is ſaid in Scripture, *Thy evil is of thy ſelf, O Iſrael!* To which anſwers that of the Moraliſts, * *None is hurt but by himſelf*, as alſo the whole matter of the Politics; at preſent this Example of the *Romans*, who, thro a negligence committed in their Agrarian Laws, let in the ſink of Luxury, and forfeited the ineſtimable Treaſure of Liberty for themſelves and their Poſterity.

The Agrarian Laws of the Romans.

THEIR Agrarian Laws were ſuch, wherby their Lands ought to have bin divided among the People, either without mention of a Colony, in which caſe they were not oblig'd to change their abode; or with mention and upon condition of a Colony, in which caſe they were to change their abode; and leaving the City, to plant themſelves upon the Lands ſo aſſign'd. The Lands aſſign'd, or that ought to have bin aſſign'd in either of theſe ways, were of three kinds: Such as were taken from the Enemy and diſtributed to the People; or ſuch as were taken from the Enemy, and under color of being reſerv'd to the Public uſe, were thro ſtealth poſſeſt by the Nobility; or ſuch as were bought with the Public Money to be diſtributed. Of the Laws offer'd in theſe caſes, thoſe which divided the Lands taken from the Enemy, or purchas'd with the Public Money, never occaſion'd any diſpute; but ſuch as drove at diſpoſſeſſing the Nobility of their Uſurpations, and dividing the *common purchaſe of the Sword among the People*, were never touch'd but they caus'd Earthquakes, nor could they ever be obtain'd by the People; or being obtain'd, be obſerv'd by the Nobility, who not only preſerv'd their prey, but growing vaſtly rich upon it, bought the People by degrees quite out of thoſe Shares that had been confer'd upon them. This the GRACCHI coming too late to perceive, found the Balance of the Commonwealth to be loſt; but putting the People (when they had leaſt force) by forcible means upon the recovery of it, did ill, ſeeing it neither could nor did tend to any more than to ſhew them by worſe effects, that what the Wiſdom of their Leaders had diſcover'd was true. For (quite contrary to what has happen'd in *Oceana*, where, *the Balance falling to the Peo-*

Sigonius de Ant. Ro.

* Nemo nocetur niſi ex ſe.

ple,

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ple, they have overthrown the Nobility) that Nobility of *Rome*, under the conduct of SYLLA, overthrew the People and the Commonwealth: seeing SYLLA first introduc'd that new Balance, which was the Foundation of the succeding Monarchy, in the plantation of Military Colonys, instituted by his distribution of the conquer'd Lands, not now of Enemys, but of Citizens, to forty-seven Legions of his Soldiers; so that how he came to be PERPETUAL DICTATOR, or other Magistrats to succede him in like Power, is no Miracle.

Military Colony.

The Balance of the Roman Empire.

THESE Military Colonys (in which manner succeding Emperors continu'd, as AUGUSTUS by the distribution of the *Veterans*, wherby he had overcom BRUTUS and CASSIUS, to plant their Soldiery) consisted of such as I conceive were they that are called *Milites beneficiarii*; in regard that the Tenure of their Lands was by way of Benefices, that is for Life, and upon condition of Duty or Service in the War upon their own Charge. These Benefices ALEXANDER SEVERUS granted to the Heirs of the Incumbents, but upon the same conditions. And such was the Dominion by which the *Roman* Emperors gave their Balance. But to the Beneficiarys, as was no less than necessary for the safety of the Prince, a matter of eight thousand by the Example of AUGUSTUS were added, which departed not from his sides, but were his perpetual Guard, call'd *Pretorian Bands*; tho these, according to the incurable flaw already observ'd in this kind of Government, became the most frequent Butchers of their Lords that are to be found in Story. Thus far the *Roman* Monarchy is much the same with that at this day in *Turky*, consisting of a Camp, and a Horsequarter; a Camp in regard of the *Spahys* and *Janizarys*, the perpetual Guard of the Prince, except they also chance to be liquorish after his Blood; and a Horsequarter in regard of the distribution of his whole Land to Tenants for Life, upon condition of continual Service, or as often as they shall be commanded at their own charge by *Timars*, being a word which they say signifys *Benefices*, that it shall save me a labor of opening the Government.

BUT the Fame of MAHOMET and his Prudence, is especially founded in this, That wheras the *Roman* Monarchy, except that of *Israel*, was the most imperfect, the *Turkish* is the most perfect that ever was. Which happen'd in that the *Roman* (as the *Israelitish* of the *Sanhedrim* and the Congregation) had a mixture of the Senat and the People; and the *Turkish* is pure. And that this was pure, and the other mix'd, happen'd not thro the Wisdom of the Legislators, but the different Genius of the Nations; the People of the Eastern Parts, except the *Israelits*, which is to be attributed to their Agrarian, having bin such as scarce ever knew any other Condition than that of Slavery; and these of the Western having ever had such a relish of Liberty, as thro what despair soever could never be brought to stand still while the Yoke was putting on their Necks, but by being fed with som hopes of reserving to themselves som part of their Freedom.

WHERFORE JULIUS CÆSAR (saith * SUETONIUS) contented himself in naming half the Magistrats, to leave the rest to the suffrage of the People. And MÆCENAS, tho he would not have AUGUSTUS to give the People their Liberty, would not have him

Dion.

* Comitia cum populo sortitus est.

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take it quite away †. Whence this Empire being neither *Hawk* nor *Buzzard*, made a flight accordingly; and the Prince being perpetually toſt (having the Avarice of the Soldiery on this hand to ſatisfy upon the People, and the Senat and the People on the other to be defended from the Soldiery) ſeldom dy'd any other death than by one Horn of this *Dilemma*, as is noted more at large by MACHIAVEL. But P. cap. 19. the *Pretorian Bands*, thoſe beſtial executioners of their Captain's Tyranny upon others, and of their own upon him, having continued from the time of AUGUSTUS, were by CONSTANTIN the Great (incens'd againſt them for taking part with his Adverſary MAXENTIUS) remov'd from their ſtrong Gariſon which they held in *Rome*, and diſtributed into divers Provinces. The Benefices of the Soldiers that were hitherto held for Life and upon Duty, were by this Prince made Hereditary: ſo that the whole Foundation wherupon this Empire was firſt built being now remov'd, ſhews plainly, that the Emperors muſt long before this have found out ſom other way of ſupport; and this was by ſtipendiating the *Goths*, a People that, deriving their Roots from the Northern parts of *Germany*, or out of *Sweden*, had (thro their Victorys obtain'd againſt DOMITIAN) long ſince ſpred their Branches to ſo near a Neighbourhood with the *Roman* Territorys, that they began to overſhadow them. For the Emperors making uſe of them in their Armys (as the *French* do at this day of the *Switz*) gave them that under the Notion of a Stipend, which they receiv'd as Tribute, coming (if there were any default in the payment) ſo often to diſtrein for it, that in the time of HONORIUS they ſack'd *Rome*, and poſſeſt themſelves of *Italy*. And ſuch was the tranſition of antient into modern Prudence; or that breach which being follow'd in every part of the *Roman* Empire with Inundations of *Vandals*, *Huns*, *Lombards*, *Franks*, *Saxons*, overwhelm'd antient Languages, Learning, Prudence, Manners, Citys, changing the names of Rivers, Machiavel. Countrys, Seas, Mountains, and Men; CAMILLUS, CÆSAR, and POMPEY, being com to EDMUND, RICHARD, and GEOFFREY.

TO open the Groundwork or Balance of theſe new Politicians: *The Gothic Balance.* *Feudum*, ſays CALVIN the Lawyer, is a *Gothic* word of divers ſignifications; for it is taken either for *War*, or for a *poſſeſſion of conquer'd Lands, diſtributed by the Victor to ſuch of his Captains and Soldiers as had merited in his Wars, upon condition to acknowledge him to be their perpetual Lord, and themſelves to be his Subjects.*

OF theſe there were three Kinds or Orders: The firſt of Nobi- *Inſtitution of Feudatory Principalitys.* lity, diſtinguiſh'd by the Titles of Dukes, Marquiſſes, Earls; and theſe being gratified with the Citys, Caſtles, and Villages of the conquer'd *Italians*, their Feuds participated of Royal Dignity, and were call'd *Regalia*, by which they had right to coin Mony, create Magiſtrats, take Toll, Cuſtoms, Confiſcations, and the like.

FEUDS of the ſecond Order were ſuch as, with the conſent of the King, were beſtow'd by theſe Feudatory Princes upon men of inferior Quality, call'd their *Barons*, on condition that next to the King they ſhould defend the Dignitys and Fortunes of their Lords in Arms.

† Neque id exiſtimare debes autorem me tibi eſſe, ut tyrannidem in S. P. Q. R. in ſervitutem redactum teneas: quod neque dicere meum, neque facere tuum eſt.

THE

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THE loweſt Order of *Feuds* were ſuch as being confer'd by thoſe of the ſecond Order upon privat men, whether Noble or not Noble, oblig'd them in the like Duty to their Superiors; theſe were call'd *Vavaſors*. And this is the *Gothic* Balance, by which all the Kingdoms this day in Chriſtendom were at firſt erected; for which cauſe, if I had time, I ſhould open in this place the Empire of *Germany*, and the Kingdoms of *France*, *Spain*, and *Poland*: But ſo much as has bin ſaid being ſufficient for the diſcovery of the Principles of modern Prudence in general, I ſhall divide the remainder of my Diſcourſe, which is more particular, into three parts.

THE firſt ſhewing the Conſtitution of the late Monarchy of *Oceana*.
THE ſecond, the Diſſolution of the ſame. And
THE third, the Generation of the preſent Commonwealth.

THE Conſtitution of the late Monarchy of *Oceana* is to be conſider'd in relation to the different Nations by whom it has bin ſucceſſively ſubdu'd and govern'd. The firſt of theſe were the *Romans*, the ſecond the *Teutons*, the third the *Scandians*, and the fourth the *Neuſtrians*.

THE Government of the *Romans*, who held it as a Province, I ſhall omit, becauſe I am to ſpeak of their Provincial Government in another place; only it is to be remember'd here, that if we have given over running up and down naked, and with dappl'd hides, learn'd to write and read, and to be inſtructed with good Arts, for all theſe we are beholden to the *Romans*, either immediatly, or mediatly by the *Teutons*: for that the *Teutons* had the Arts from no other hand, is plain enough by their Language, which has yet no word to ſignify either writing or reading, but what is deriv'd from the *Latin*. Furthermore, by the help of theſe Arts ſo learn'd, we have bin capable of that Religion which we have long ſince receiv'd; wherfore it ſeems to me, that we ought not to detract from the memory of the *Romans*, by whoſe means we are, as it were, of Beaſts becom Men, and by whoſe means we might yet of obſcure and ignorant Men (if we thought not too well of our ſelves) becom a wiſe and a great People.

For the proof of the enſuing Diſcourſe out of Records and Antiquitys ſee Selden's *Titles of Honor, from* pag. 593, *to* pag 837.

THE *Romans* having govern'd *Oceana* provincially, the *Teutons* were the firſt that introduc'd the Form of the late Monarchy. To theſe ſucceded the *Scandians*, of whom, (becauſe their Reign was ſhort, as alſo becauſe they made little alteration in the Government as to the Form) I ſhall take no notice. But the *Teutons* going to work upon the *Gothic* Balance, divided the whole Nation into three ſorts of *Feuds*, that of *Ealdorman*, that of *Kings Thane*, and that of *Middle Thane*.

The Teuton Monarchy.

WHEN the Kingdom was firſt divided into Precincts will be as hard to ſhew, as when it began firſt to be govern'd; it being impoſſible that there ſhould be any Government without ſom Diviſion. The Diviſion that was in uſe with the *Teutons*, was by Countys, and every County had either its *Ealdorman*, or *High Reeve*. The title of *Ealdorman* came in time to *Eorl*, or *Erl*, and that of *High Reeve* to *High Sheriff*.

EARL

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EARL of the Shire or County denoted the *King's Thane*, or Tenant by Grand Serjeantry or Knights Service, in chief or *in capite*; his Poſſeſſions were ſomtimes the whole Territory from whence he had his denomination, that is, the whole County, ſomtimes more than one County, and ſomtimes leſs, the remaining part being in the Crown. He had alſo ſomtimes a third, or ſom other cuſtomary part of the profits of certain Citys, Boroughs, or other places within his Earldom. For an example of the Poſſeſſions of Earls in antient times, ETHELRED had to him and his Heirs the whole Kingdom of *Mercia*, containing three or four Countys; and there were others that had little leſs. *Earls.*

KING's *Thane* was alſo an honorary Title, to which he was qualify'd that had five Hides of Land held immediatly of the King by ſervice of perſonal attendance; inſomuch that if a Churl or Countryman had thriven to this proportion, having a Church, a Kitchen, a Belhouſe (that is, a Hall with a Bell in it to call his Family to dinner) a Boroughgate with a ſeat (that is, a Porch) of his own, and any diſtinct Office in the King's Court, then was he the *King's Thane*. But the proportion of a Hide Land, otherwiſe call'd *Caruca*, or a Plow Land, is difficult to be underſtood, becauſe it was not certain; nevertheleſs it is generally conceiv'd to be ſo much as may be manag'd with one Plow, and would yield the maintenance of the ſame, with the appurtenances in all kinds. *King's Thane.*

THE *Middle Thane* was feudal, but not honorary; he was alſo call'd a *Vavaſor*, and his Lands a *Vavaſory*, which held of ſom Meſn Lord, and not immediatly of the King. *Middle Thane.*

POSSESSIONS and their Tenures, being of this nature, ſhew the Balance of the *Teuton* Monarchy; wherin the Riches of Earls were ſo vaſt, that to ariſe from the Balance of their Dominion to their Power, they were not only call'd *Reguli* or little Kings, but were ſuch indeed; their Juriſdiction being of two ſorts, either that which was exercis'd by them in the Court of their Countrys, or in the High Court of the Kingdom.

IN the Territory denominating an Earl, if it were all his own, the Courts held, and the Profits of that Juriſdiction were to his own uſe and benefit. But if he had but ſom part of his County, then his Juriſdiction and Courts (ſaving perhaps in thoſe poſſeſſions that were his own) were held by him to the King's uſe and benefit; that is, he commonly ſupply'd the Office which the Sheriffs regularly executed in Countys that had no Earls, and whence they came to be call'd *Viſcounts*. The Court of the County that had an Earl was held by the Earl and the Biſhop of the Dioceſs, after the manner of the Sheriffs Turns to this day; by which means both the Eccleſiaſtical and Temporal Laws were given in charge together to the Country. The Cauſes of *Vavaſors* or *Vavaſorys* appertain'd to the cognizance of this Court, where Wills were prov'd, Judgment and Execution given, Caſes criminal and civil determin'd. *Shiremoot.* *Viſcounts.*

THE *King's Thanes* had the like Juriſdiction in their *Thane Lands*, as Lords in their Manors, where they alſo kept Courts. *Halymoot.*

BESIDES theſe in particular, both the Earls and *King's Thanes*, together with the Biſhops, Abbots, and *Vavaſors*, or *Middle Thanes*, had in the High Court or Parlament in the Kingdom, a more public Juriſdiction, conſiſting Firſt of deliberative Power for adviſing upon, *Weidenagemoots.*

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and assenting to new Laws: Secondly, of giving counsil in matters of State: and Thirdly, of Judicature upon Suits and Complaints. I shall not omit to inlighten the obscurity of these times (in which there is little to be found of a methodical Constitution of this High Court) by the addition of an Argument, which I conceive to bear a strong testimony to it self, tho taken out of a late Writing that conceals the Author. "It is well known, says he, that in every quarter of the Realm "a great many Boroughs do yet send Burgesses to the Parlament, "which nevertheless be so antiently and so long since decay'd and gon "to nought, that they cannot be shew'd to have bin of any Reputa-"tion since the Conquest, much less to have obtain'd any such Privi-"lege by the grant of any succeding King: wherfore these must have "had this right by more antient usage, and before the Conquest, they "being inable now to shew whence they deriv'd it."

THIS Argument (tho there be more) I shall pitch upon as sufficient to prove; First, that the lower sort of the People had right to Session in Parlament during the time of the *Teutons*. Secondly, that they were qualify'd to the same by election in their Boroughs, and, if Knights of the shire (as no doubt they are) be as antient in the Countrys. Thirdly, If it be a good Argument to say, that the Commons during the reign of the *Teutons* were elected into Parlament, because they are so now, and no man can shew when this custom began; I see not which way it should be an ill one to say, that the Commons during the reign of the *Teutons* constituted also a distinct House, because they do so now; unless any man can shew that they did ever sit in the same House with the Lords. Wherfore to conclude this part, I conceive for these, and other reasons to be mention'd hereafter, that the Parlament of the *Teutons* consisted of the King, the Lords Spiritual and Temporal, and the Commons of the Nation, notwithstanding the stile of divers Acts of Parlament, which runs as that of *Magna Charta* in the King's name only, seeing the same was nevertheless enacted by the King, Peers, and Commons of the Land, as is testify'd in those words by a subsequent Act,

25 Edw. 3. c. 1.

Monarchy of the Neustrians.

THE Monarchy of the *Teutons* had stood in this posture about two hundred and twenty years; when TURBO Duke of *Neustria* making his claim to the Crown of one of their Kings that dy'd childless, follow'd it with successful Arms; and being possest of the Kingdom, us'd it as conquer'd, distributing the Earldoms, Thane Lands, Bishoprics and Prelacys of the whole Realm among his *Neustrians*. From this time the Earl came to be call'd *Comes*, *Consul*, and *Dux* (tho *Consul* and *Dux* grew afterward out of use) the *King's Thanes* came to be call'd *Barons*, and their Lands Baronys; the *Middle Thane* holding still of a mean Lord, retain'd the name of *Vavasor*.

Their Earls.

THE *Earl* or *Comes* continu'd to have the third part of the Pleas of the County paid to him by the Sheriff or *Vice-comes*, now a distinct Officer in every County depending upon the King; saving that such Earls as had their Countys to their own use, were now *Counts Palatin*, and had under the King Regal Jurisdiction; insomuch that they constituted their own Sheriffs, granted Pardons, and issu'd Writs in their own names; nor did the King's Writ of ordinary Justice run in their Dominions till a late Statute, wherby much of this privilege was taken away.

27 H. 8.

FOR

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FOR *Barons*, they came from henceforth to be in different times of three kinds; Barons by their Eſtates and Tenures, Barons by Writ, and Barons created by Letters Patent. From TURBO the firſt to ADOXUS the ſeventh King from the Conqueſt, Barons had their denomination from their Poſſeſſions and Tenures. And theſe were either Spiritual or Temporal; for not only the Thane Lands, but the poſſeſſions of Biſhops, as alſo of ſom twenty-ſix Abbats, and two Priors, were now erected into Baronys, whence the Lords Spiritual that had ſuffrage in the *Teuton* Parlament as Spiritual Lords, came to have it in the *Neuſtrian* Parlament as Barons, and were made ſubject (which they had not formerly bin) to Knights ſervice in chief. *Baronny* coming henceforth to ſignify all honorary poſſeſſions as well of Earls as Barons, and Baronage to denote all kinds of Lords as well Spiritual as Temporal having right to ſit in Parlament, the Baronys in this ſenſe were ſomtimes more, and ſomtimes fewer, but commonly about 200 or 250, containing in them a matter of ſixty thouſand *feuda militum*, or Knights Fees, wherof ſom twenty-eight thouſand were in the Clergy. It is ill luck that no man can tell what the Land of a Knight's Fee (reckon'd in ſom Writs at 40 *l.* a year, and in others at 10) was certainly worth; for by ſuch a help we might have exactly demonſtrated the Balance of this Government. But, ſays COKE, it contain'd twelve Plow Lands, and that was thought to be the moſt certain account. But this again is extremely uncertain; for one Plow out of ſom Land that was fruitful, might work more than ten out of ſom other that was barren. Nevertheleſs, ſeeing it appears by BRACTON, that of Earldoms and Baronys it was wont to be ſaid, that the whole Kingdom was compos'd; as alſo, that theſe conſiſting of 60000 Knights Fees, furniſh'd 60000 men for the King's ſervice, being the whole Militia of this Monarchy, it cannot be imagin'd that the *Vavaſorys* or Freeholds in the People amounted to any conſiderable proportion. Wherfore the Balance and Foundation of this Government was in the 60000 Knights Fees, and theſe being poſſeſt by the 250 Lords, it was a Government of the Few, or of the Nobility; wherin the People might alſo aſſemble, but could have no more than a mere name. And the Clergy holding a third of the whole Nation, as is plain by the Parlament Roll; it is an abſurdity (ſeeing the Clergy of *France* came firſt thro their Riches to be a State of that Kingdom) to acknowlege the People to have bin a State of this Realm, and not to allow it to the Clergy, who were ſo much more weighty in the Balance, which is that of all other whence a State or Order in a Government is denominated. Wherfore this Monarchy conſiſted of the King, and of the three *(ordines Regni*, or) Eſtates, the Lords Spiritual and Temporal, and the Commons: It conſiſted of theſe I ſay as to the balance, tho during the Reign of ſom of theſe Kings, not as to the adminiſtration.

Their Barons

Barons by their Poſſeſſions.

Coke 11 Inſt. pag. 596.

Balance of the Neuſtrian *Monarchy.*

4 Rich. 2. Numb. 13.

FOR the ambition of TURBO, and ſom of thoſe that more immediatly ſucceeded him, to be abſolute Princes, ſtrove againſt the nature of their Foundation, and, inaſmuch as he had divided almoſt the whole Realm among his *Neuſtrians*, with ſom incouragement for a while. But the *Neuſtrians* while they were but foren plants, having no ſecurity againſt the Natives, but in growing up by their Princes ſides, were no ſooner well rooted in their vaſt Dominions, than they came up according to the infallible conſequence of the Balance domeſtic,

Adminiſtration of the Neuſtrian *Monarchy during the reign of the firſt Kings.*

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and, contracting the National intereſt of the Baronage, grew as fierce in the vindication of the antient Rights and Liberties of the ſame, as if they had bin always Natives: Whence, the Kings being as obſtinat on the one ſide for their abſolute Power, as theſe on the other for their Immunitys, grew certain Wars which took their denomination from the Barons.

THIS fire about the middle of the Reign of ADOXUS began to break out. And wheras the Predeceſſors of this King had divers times bin forc'd to ſummon Councils reſembling thoſe of the *Teutons*, to which the Lords only that were Barons by Dominion and Tenure had hitherto repair'd, ADOXUS ſeeing the effects of ſuch Dominion, began firſt not to call ſuch as were Barons by Writ (for that was according to the practice of antient times) but to call ſuch by Writs as were otherwiſe no Barons; by which means ſtriving to avoid the Conſequence of the Balance, in coming unwillingly to ſet the Government ſtreight, he was the firſt that ſet it awry. For the Barons in his Reign, and his Succeſſors, having vindicated their antient Authority, reſtor'd the Parlament with all the Rights and Privileges of the ſame, ſaving that from thenceforth the Kings had found out a way wherby to help themſelves againſt the mighty, by Creatures of their own, and ſuch as had no other ſupport but by their favor. By which means this Government, being indeed the Maſterpiece of modern Prudence, has bin cry'd up to the Skys, as the only invention wherby at once to maintain the Soverainty of a Prince, and the Liberty of the People. Wheras indeed it has bin no other than a wreſtling match, wherin the Nobility, as they have bin ſtronger, have thrown the King; or the King, if he has bin ſtronger, has thrown the Nobility; or the King, where he has had a Nobility, and could bring them to his party, has thrown the People, as in *France* and *Spain*; or the People where they have had no Nobility, or could get them to be of their party, have thrown the King, as in *Holland*, and of later times in *Oceana*. But they came not to this ſtrength but by ſuch approaches and degrees, as remain to be further open'd. For wheras the Barons by Writ (as the ſixty-four Abbats, and thirty-ſix Priors that were ſo call'd) were but *pro tempore*, DICOTOME being the twelfth King from the Conqueſt, began to make Barons by Letters Patent, with the addition of honorary Penſions for the maintenance of their Dignitys to them and their Heirs; ſo that they were hands in the King's Purſe, and had no ſhoulders for his Throne. Of theſe when the Houſe of Peers came once to be full, as will be ſeen hereafter, there was nothing more emty. But for the preſent, the Throne having other ſupports, they did not hurt that ſo much as they did the King: For the old Barons taking DICOTOME's Prodigality to ſuch Creatures ſo ill, that they depos'd him, got the trick of it, and never gave over ſetting up and pulling down their Kings according to their various intereſts, and that faction of the *White* and *Red*, into which they have bin thenceforth divided, till PANURGUS the eighteenth King from the Conqueſt, was more by their Favor than his Right advanc'd to the Crown. This King thro his natural ſubtilty reflecting at once upon the greatneſs of their Power, and the inconſtancy of their favor, began to find another Flaw in this kind of Government, which is alſo noted by MACHIAVEL, namely that a Throne ſupported by a Nobility, is not ſo hard to be aſcended, as kept warm. Wherfore his ſecret Jealouſy, leſt the diſſenſion of the Nobility, as it brought

Barons by Writ.

49 H. 3.

Barons by Letters Patent.

Diſſolution of the late Monarchy of Oceana.

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brought him in, might throw him out, made him travel in ways undiſcover'd by them, to ends as little foreſeen by himſelf: while to eſtabliſh his own ſafety, he by mixing Water with their Wine, firſt began to open thoſe Sluces that have ſince overwhelm'd not the King only, but the Throne. For wheras a Nobility ſtrikes not at the Throne without which they cannot ſubſiſt, but at ſom King that they do not like; popular Power ſtrikes thro the King at the Throne, as that which is incompatible with it. Now that PANURGUS in abating the Power of the Nobility, was the cauſe whence it came to fall into the hands of the People, appears by thoſe ſeveral Statutes that were made in his Reign, as that for *Population*, thoſe againſt *Retainers*, and that for *Alienations*.

BY the Statute of Population, all houſes of Huſbandry that were us'd with twenty Acres of Ground and upwards, were to be maintain'd, and kept up for ever with a competent proportion of Land laid to them, and in no wiſe, as appears by a ſubſequent Statute, to be ſever'd. By which means the houſes being kept up, did of neceſſity inforce Dwellers; and the proportion of Land to be till'd being kept up, did of neceſſity inforce the Dweller not to be a Begger or Cottager, but a Man of ſom ſubſtance, that might keep Hinds and Servants, and ſet the Plow a going. This did mightily concern (ſays the Hiſtorian of that Prince) the might and manhood of the Kingdom, and in effect amortize a great part of the Lands to the hold and poſſeſſion of the Yeomanry or middle People, who living not in a ſervil or indigent faſhion, were much unlink'd from dependence upon their Lords, and living in a free and plentiful manner, became a more excellent infantry; but ſuch a one upon which the Lords had ſo little Power, that from henceforth they may be computed to have bin diſarm'd.

AND as they loſt their infantry after this manner, ſo their Cavalry and Commanders were cut off by the Statute of Retainers: for wheras it was the cuſtom of the Nobility to have younger Brothers of good houſes, metal'd fellows, and ſuch as were knowing in the feats of Arms about them; they who were longer follow'd with ſo dangerous a train, eſcap'd not ſuch Puniſhments, as made them take up.

HENCEFORTH the Country-lives, and great Tables of the Nobility, which no longer nouriſh'd veins that would bleed for them, were fruitleſs and loathſom till they chang'd the Air, and of Princes became Courtiers; where their Revenues, never to have bin exhauſted by Beef and Mutton, were found narrow, whence follow'd racking of Rents, and at length ſale of Lands: the riddance thro the Statute of Alienations being render'd far more quick and facil than formerly it had bin thro the new invention of Intails.

TO this it happen'd, that CORAUNUS the Succeſſor of that King diſſolving the Abbys, brought with the declining ſtate of the Nobility ſo vaſt a prey to the Induſtry of the People, that the Balance of the Commonwealth was too apparently in the popular Party, to be unſeen by the wiſe Council of Queen PARTHENIA, who converting her reign thro the perpetual Lovetricks that paſt between her and her People into a kind of Romance, wholly neglected the Nobility. And by theſe degrees came the Houſe of Commons to raiſe that head, which ſince has bin ſo high and formidable to their Princes, that they have look'd pale upon thoſe Aſſemblys. Nor was there any thing now wanting to the deſtruction of the Throne, but that the People,

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People, not apt to ſee their own ſtrength, ſhould be put to feel it; when a Prince, as ſtiff in diſputes as the nerve of Monarchy was grown ſlack, receiv'd that unhappy incouragement from his Clergy which became his utter ruin, while truſting more to their Logic than the rough Philoſophy of his Parlament, it came to an irreparable breach; for the Houſe of Peers, which alone had ſtood in this gap, now ſinking down between the King and the Commons, ſhew'd that CRASSUS was dead, and the *Iſthmus* broken. But a Monarchy deveſted of its Nobility, has no refuge under Heaven but an Army. Wherfore the diſſolution of this Government caus'd the War, not the War the diſſolution of this Government.

OF the King's ſucceſs with his Arms it is not neceſſary to give any further account, than that they prov'd as ineffectual as his Nobility; but without a Nobility or an Army (as has bin ſhew'd) there can be no Monarchy. Wherfore what is there in nature that can ariſe out of theſe Aſhes, but a popular Government, or a new Monarchy to be erected by the victorious Army?

TO erect a Monarchy, be it never ſo new, unleſs like LEVIATHAN you can hang it, as the Country-fellow ſpeaks, by Geometry, (for what elſe is it to ſay, that every other Man muſt give up his will to the will of this one Man without any other foundation?) it muſt ſtand upon old Principles, that is, upon a Nobility or an Army planted on a due balance of Dominion. *Aut viam inveniam aut faciam*, was an Adage of CÆSAR; and there is no ſtanding for a Monarchy unleſs it finds this Balance, or makes it. If it finds it, the work's don to its hand: for, where there is inequality of Eſtates, there muſt be inequality of Power; and where there is inequality of Power, there can be no Commonwealth. To make it, the Sword muſt extirpat out of Dominion all other roots of Power, and plant an Army upon that ground. An Army may be planted Nationally or Provincially. To plant it Nationally, it muſt be in one of the four ways mention'd, that is, either Monarchically in part, as the *Roman Beneficiarii*; or Monarchically, in the whole, as the *Turkiſh Timariots*; Ariſtocratically, that is, by Earls and Barons, as the *Neuſtrians* were planted by TURBO; or Democratically, that is, by equal lots, as the Iſraelitiſh Army in the Land of *Canaan* by JOSHUA. In every one of theſe ways there muſt not only be Confiſcations, but Confiſcations to ſuch a proportion as may anſwer to the work intended.

CONFISCATION of a People that never fought againſt you, but whoſe Arms you have born, and in which you have bin victorious, and this upon premeditation, and in cold blood, I ſhould have thought to be againſt any example in human Nature, but for thoſe alleg'd by MACHIAVEL of AGATHOCLES, and OLIVERETTO *di Fermo*: the former wherof being Captain General of the *Syracuſans*, upon a day aſſembl'd the Senat and the People, as if he had ſomthing to communicat with them, when at a ſign given he cut the Senators in pieces to a man, and all the richeſt of the People, by which means he came to be King. The proceedings of OLIVERETTO in making himſelf Prince of *Fermo*, were ſomwhat different in circumſtances, but of the ſame nature. Nevertheleſs CATILIN, who had a ſpirit equal to any of theſe in his intended miſchief, could never bring the like to paſs in *Rome*. The head of a ſmall Commonwealth, ſuch a one as was that of *Syracuſa* or *Fermo*, is eaſily brought to the block;

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block; but that a Populous Nation, ſuch as *Rome*, had not ſuch a one, was the grief of NERO. If SYLVIA or CÆSAR attain'd to be Princes, it was by Civil War, and ſuch Civil War as yielded rich ſpoils, there being a vaſt Nobility to be confiſcated; which alſo was the caſe in *Oceana*, when it yielded earth by Earldoms and Baronys to the *Neuſtrian*, for the plantation of his new Potentates. Where a Conqueror finds the Riches of a Land in the hands of the Few, the Forfeitures are eaſy, and amount to vaſt advantage; but where the People have equal ſhares, the Confiſcation of many coms to little, and is not only dangerous, but fruitleſs.

THE *Romans* in one of their defeats of the *Volſci* found among the Captives certain *Tuſculans*, who, upon examination, confeſt that the Arms they bore were by command of their State; wherupon information being given to the Senat by the General CAMILLUS, he was forthwith commanded to march againſt *Tuſculum*; which doing accordingly, he found the *Tuſculan* Fields full of Huſbandmen, that ſtir'd not otherwiſe from the Plow, than to furniſh his Army with all kind of Accommodations and Victuals: drawing near to the City, he ſaw the Gates wide open, the Magiſtrats coming out in their Gowns to ſalute and bid him welcom: entring, the Shops were all at work, and open; the Streets ſounded with the noiſe of Schoolboys at their Books; there was no face of War. Wherupon CAMILLUS cauſing the Senat to aſſemble, told them, That tho the Art was underſtood, yet had they at length found out the true Arms wherby the *Romans* were moſt undoubtedly to be conquer'd, for which cauſe he would not anticipat the Senat, to which he deſir'd them forthwith to ſend, which they did accordingly; and their Dictator with the reſt of their Embaſſadors being found by the *Roman* Senators as they went into the houſe ſtanding ſadly at the door, were ſent for in as Friends, and not as Enemys: Where the Dictator having ſaid, If we have offended, the fault was not ſo great as is our Penitence and your Virtue; the Senat gave them peace forthwith, and ſoon after made the *Tuſculans* Citizens of *Rome*.

BUT putting the caſe, of which the World is not able to ſhew an example, That the forfeiture of a populous Nation, not conquer'd, but Friends, and in cool blood, might be taken; your Army muſt be planted in one of the ways mention'd. To plant it in the way of abſolute Monarchy, that is, upon feuds for life, ſuch as the *Timars*, a Country as large and fruitful as that of *Greece*, would afford you but ſixteen thouſand *Timariots*, for that is the moſt the *Turc* (being the beſt huſband that ever was of this kind) makes of it at this day: and if *Oceana*, which is leſs in fruitfulneſs by one half, and in extent by three parts, ſhould have no greater a force, whoever breaks her in one battel, may be ſure ſhe ſhall never riſe; for ſuch (as was noted by MACHIAVEL) is the nature of the *Turkiſh* Monarchy, if you break it in two battels, you have deſtroy'd its whole Militia; and the reſt being all ſlaves, you hold it without any further reſiſtance. Wherfore the erection of an abſolute Monarchy in *Oceana*, or in any other Country that is no larger, without making it a certain prey to the firſt Invader, is altogether impoſſible.

TO plant by halves, as the *Roman* Emperors did their Beneficiarys, or military Colonys, it muſt be either for life; and this an Army of *Oceaners* in their own Country (eſpecially having Eſtates of Inheritance)

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tance) will never bear; becauſe ſuch an Army ſo planted is as well confiſcated as the People; nor had the *Mamalucs* bin contented with ſuch uſage in *Egypt*, but that they were Foreners, and daring not to mix with the Natives, it was of abſolute neceſſity to their being.

OR planting them upon Inheritance, whether Ariſtocratically as the *Neuſtrians*, or Democratically as the *Iſraelits*, they grow up by certain conſequence into the national Intereſt: and this, if they be planted popularly, coms to a Commonwealth; if by way of Nobility, to a mix'd Monarchy, which of all other will be found to be the only kind of Monarchy, wherof this Nation, or any other that is of no greater extent, has bin or can be capable: for if the *Iſraelits* (tho their Democratical Balance, being fix'd by their Agrarian, ſtood firm) be yet found to have elected Kings, it was becauſe, their Territory lying open, they were perpetually invaded, and being perpetually invaded, turn'd themſelves to any thing which thro the want of experience they thought might be a remedy; whence their miſtake in election of their Kings (under whom they gain'd nothing, but on the contrary loſt all they had acquir'd by their Commonwealth, both Eſtates and Libertys) is not only apparent, but without parallel. And if there have bin (as was ſhewn) a Kingdom of the *Goths* in *Spain*, and of the *Vandals* in *Aſia*, conſiſting of a ſingle Perſon and a Parlament (taking a Parlament to be a Council of the People only, without a Nobility) it is expreſly ſaid of thoſe Councils, that they depos'd their Kings as often as they pleas'd: nor can there be any other conſequence of ſuch a Government, ſeeing where there is a Council of the People, they do never receive Laws, but give them; and a Council giving Laws to a ſingle Perſon, he has no means in the World wherby to be any more than a ſubordinat Magiſtrat, but force: in which caſe he is not a ſingle Perſon and a Parlament, but a ſingle Perſon and an Army, which Army again muſt be planted as has bin ſhewn, or can be of no long continuance.

IT is true, that the Provincial Balance being in nature quite contrary to the National, you are no way to plant a Provincial Army upon Dominion. But then you muſt have a native Territory in Strength, Situation, or Government, able to overbalance the foren, or you can never hold it. That an Army ſhould in any other caſe be long ſupported by a mere Tax, is a mere Phanſy as void of all reaſon and experience, as if a Man ſhould think to maintain ſuch a one by robbing of Orchards: for *a mere Tax is but pulling of Plumtrees, the roots wherof are in others Mens grounds*, who ſuffering perpetual Violence, com to hate the Author of it: And it is a Maxim, that *no Prince that is hated by his People can be ſafe*. Arms planted upon Dominion extirpat Enemys, and make Friends: but maintain'd by a mere Tax, have Enemys that have roots, and Friends that have none.

TO conclude, *Oceana*, or any other Nation of no greater extent, muſt have a competent Nobility, or is altogether incapable of Monarchy: for where there is equality of Eſtates, there muſt be equality of Power; and where there is equality of Power, there can be no Monarchy.

The generation of the Commonwealth.

TO com then to the generation of the Commonwealth; it has bin ſhewn how thro the ways and means us'd by PANURGUS to abaſe the Nobility, and ſo to mend that flaw which we have aſſerted to be incurable in this kind of Conſtitution, he ſuffer'd the Balance to fall

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into the power of the People, and ſo broke the Government: but the Balance being in the People, the Commonwealth (tho they do not ſee it) is already in the nature of * them. There wants nothing elſe but Time (which is ſlow and dangerous) or Art (which would be more quick and ſecure) for the bringing thoſe native Arms (wherwithal they are found already) to reſiſt they know not how every thing that oppoſes them, to ſuch maturity as may fix them upon their own ſtrength and bottom.

BUT wheras this Art is Prudence; and that part of Prudence which regards the preſent Work, is nothing elſe but the ſkill of raiſing ſuch ſuperſtructures of Government, as are natural to the known Foundations: they never mind the Foundation, but thro certain animoſities (wherwith by ſtriving one againſt another they are infected) or thro freaks, by which, not regarding the courſe of things, nor how they conduce to their purpoſe, they are given to building in the Air, com to be divided and ſubdivided into endleſs Partys and Factions, both Civil and Eccleſiaſtical: which briefly to open, I ſhall firſt ſpeak of the People in general, and then of their Diviſions. *What Prudence is.*

A PEOPLE (ſays MACHIAVEL) that is corrupt, is not capable of a Commonwealth. But in ſhewing what a corrupt People is, he has either involv'd himſelf, or me; nor can I otherwiſe com out of the Labyrinth, than by ſaying, the Balance altering a People, as to the foregoing Government, muſt of neceſſity be corrupt: but Corruption in this ſenſe ſignifys no more than that the Corruption of one Government (as in natural Bodys) is the Generation of another. Wherfore if the Balance alters from Monarchy, the Corruption of the People in this caſe is that which makes them capable of a Commonwealth. But wheras I am not ignorant, that the Corruption which he means is in Manners, this alſo is from the Balance. For the Balance leading from Monarchical into Popular, abates the Luxury of the Nobility, and, inriching the People, brings the Government from a more privat to a more public Intereſt; which coming nearer, as has bin ſhewn, to Juſtice and right Reaſon, the People upon a like alteration is ſo far from ſuch a Corruption of Manners, as ſhould render them incapable of a Commonwealth, that of neceſſity they muſt therby contract ſuch a Reformation of Manners as will bear no other kind of Government. On the other ſide, where the Balance changes from Popular to Oligarchical or Monarchical, the public Intereſt, with the Reaſon and Juſtice included in the ſame, becoms more privat; Luxury is introduc'd in the room of Temperance, and Servitude in that of Freedom; which cauſes ſuch a corruption of Manners both in the Nobility and People, as, by the Example of *Rome* in the time of the *Triumvirs*, is more at large diſcover'd by the Author to have bin altogether incapable of a Commonwealth.

BUT the Balance of *Oceana* changing quite contrary to that of *Rome*, the Manners of the People were not therby corrupted, but on the contrary adapted to a Commonwealth. For differences of Opinion in a People not rightly inform'd of their Balance, or a diviſion into Partys (while there is not any common Ligament of Power ſuffi-

* Cornua nota prius vitulo, quàm frontibus extant.

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cient to reconcile or hold them) is no ſufficient proof of Corruption. Nevertheleſs, ſeeing this muſt needs be matter of ſcandal and danger, it will not be amiſs, in ſhewing what were the Partys, to ſhew what were their Errors.

THE Partys into which this Nation was divided, were Temporal, or Spiritual: and the Temporal Partys were eſpecially two, the one *Royaliſts*, the other *Republicans:* each of which aſſerted their different Cauſes, either out of Prudence or Ignorance, out of Intereſt or Conſcience.

FOR Prudence, either that of the Antients is inferior to the Modern (which we have hitherto bin ſetting face to face, that any one may judg) or that of the Royaliſt muſt be inferior to that of the Commonwealthſman. And for Intereſt, taking the Commonwealthſman to have really intended the Public (for otherwiſe he is a Hypocrit and the worſt of Men) that of the Royaliſt muſt of neceſſity have bin more privat. Wherfore the whole diſpute will com upon matter of Conſcience: and this, whether it be urg'd by the Right of Kings, the Obligation of former Laws, or of the Oath of Allegiance, is abſolv'd by the Balance.

The Royaliſt.

FOR if the Right of Kings were as immediatly deriv'd from the Breath of God as the Life of Man, yet this excludes not Death and Diſſolution. But, that the diſſolution of the late Monarchy was as natural as the Death of a Man, has bin already ſhewn. Wherfore it remains with the Royaliſts to diſcover by what Reaſon or Experience it is poſſible for a Monarchy to ſtand upon a popular Balance; or, the Balance being popular, as well the Oath of Allegiance, as all other Monarchical Laws imply an impoſſibility, and are therfore void.

The Commonwealthſman.

TO the Commonwealthſman I have no more to ſay, but that if he excludes any Party, he is not truly ſuch; nor ſhall ever found a Commonwealth upon the natural principle of the ſame, which is Juſtice. And the Royaliſt for having not oppos'd a Commonwealth in *Oceana* (where the Laws were ſo ambiguous that they might be eternally diſputed, and never reconcil'd) can neither be juſtly for that cauſe excluded from his full and equal ſhare in the Government; nor prudently, for this reaſon, that a Commonwealth conſiſting of a Party will be in perpetual labor of her own deſtruction: Whence it was that the *Romans* having conquer'd the *Albans*, incorporated them with equal Right into the Commonwealth. And if the Royaliſts be *fleſh of of your fleſh*, and nearer of Blood than were the *Albans* to the *Romans*, you being alſo both Chriſtians, the Argument's the ſtronger. Nevertheleſs there is no reaſon that a Commonwealth ſhould any more favor a Party remaining in fix'd oppoſition againſt it, than BRUTUS did his own Sons. But if it fixes them upon that oppoſition, it is its own fault not theirs; and this is done by excluding them. Men that have equal Poſſeſſions, and the ſame ſecurity for their Eſtates and their Libertys that you have the ſame cauſe with you to defend both: But if you will be trampling, they fight for Liberty, tho for Monarchy; and you for Tyranny, tho under the name of a Commonwealth: The Nature of Orders in a Government rightly inſtituted being void of all jealouſy, becauſe, let the Partys which it imbraces be what they will, its Orders are ſuch as they neither would reſiſt if they could,

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could, nor could if they would, as has bin partly already ſhewn; and will appear more at large by the following Model.

THE Partys that are Spiritual are of more kinds than I need mention; ſome for a National Religion, and others for Liberty of Conſcience, with ſuch animoſity on both ſides, as if theſe two could not conſiſt together, and of which I have already ſufficiently ſpoken, to ſhew, that indeed the one cannot well ſubſiſt without the other. But they of all the reſt are the moſt dangerous, who, holding that the Saints muſt govern, go about to reduce the Commonwealth to a Party, as well for the Reaſons already ſhewn, as that their Pretences are againſt Scripture, where the Saints are commanded to ſubmit to the Higher Powers, and to be ſubject to the Ordinance of Man. And that men, pretending under the notion of Saints or Religion to Civil Power, have hitherto never fail'd to diſhonor that Profeſſion, the World is full of Examples, wherof I ſhall confine myſelf at preſent only to a couple, the one of Old, the other of New *Rome*. *Religious Partys.*

IN Old *Rome* the Patricians or Nobility pretending to be the godly Party, were queſtion'd by the People for ingroſſing all the Magiſtracys of that Commonwealth, and had nothing to ſay why they did ſo, but * that Magiſtracy requir'd a kind of Holineſs which was not in the People †: at which the People were fill'd with ſuch Indignation as had com to cutting of Throats, if the Nobility had not immediatly laid by the Inſolency of that Plea; which nevertheleſs when they had don, the People for a long time after continu'd to elect no other but Patrician Magiſtrats. *Saints.*

THE Example of new *Rome* in the riſe and practiſe of the Hierarchy (too well known to require any further illuſtration) is far more immodeſt.

THIS has bin the courſe of Nature: and when it has pleas'd, or ſhall pleaſe God to introduce any thing that is above the courſe of Nature, he will, as he has always don, confirm it by Miracle; for ſo in his Prophecy of the Reign of CHRIST upon Earth, he expreſſly promiſes: ſeeing that *the Souls of them that were beheaded for* JESUS, *ſhall be ſeen to live and reign with him*; which will be an object of Senſe, the rather, becauſe the reſt of the Dead are not to live again till the Thouſand Years be finiſh'd. And it is not lawful for men to perſuade us that a thing already is, tho there be no ſuch object of our Senſe, which God has told us ſhall not be till it be an object of our Senſe.

THE Saintſhip of a People as to Government, conſiſts in the election of Magiſtrats fearing God, and hating Covetouſneſs, and not in their confining themſelves, or being confin'd to men of this or that Party or Profeſſion. It conſiſts in making the moſt prudent and religious choice they can; yet not in truſting to Men, but, next God, to their own Orders. *Give us good Men, and they will make us good Laws*, is the Maxim of a Demagog, and is (thro the alteration which is commonly perceivable in men, when they have power to work their own Wills) exceeding fallible. But *give us good Orders, and they*

* Quòd nemo plebeius auſpicia haberet. † Plebs ad id maximâ indignatione exarſit, quod auſpicari, tanquam inviſi Diis immortalibus, negarentur poſſe. *T. Liv.* 4. 8.

will make us good Men, is the Maxim of a Legiſlator, and the moſt infallible in the Politics.

BUT theſe Diviſions (however there be ſome good Men that look ſadly on them) are trivial things; firſt as to the Civil concern, becauſe the Government, wherof this Nation is capable, being once ſeen, takes in all Intereſts. And, ſecondly, as to the Spiritual; becauſe as the pretence of Religion has always bin turbulent in broken Governments, ſo where the Government has bin ſound and ſteddy, Religion has never ſhew'd it ſelf with any other face than that of the natural Sweetneſs, and Tranquillity: nor is there any reaſon why it ſhould; wherfore the Errors of the People are occaſion'd by their Governors. If they be doubtful of the way, or wander from it, it is becauſe their Guides miſled them; and the Guides of the People are never ſo well qualify'd for leading by any Virtue of their own, as by that of the Government.

The Errors of the People are from their Governors.

THE Government of *Oceana* (as it ſtood at the time wherof we diſcourſe, conſiſting of one ſingle Council of the People, excluſively of the King and the Lords) was call'd a Parlament: Nevertheleſs the Parlaments of the *Teutons* and of the *Neuſtrians* conſiſted, as has bin ſhewn, of the King, Lords and Commons; wherfore this under an old Name was a new thing: A Parlament conſiſting of a ſingle Aſſembly elected by the People, and inveſted with the whole Power of the Government, without any Covenants, Conditions, or Orders whatſoever. So new a thing, that neither antient nor modern Prudence can ſhew any avow'd Example of the like. And there is ſcarce any thing that ſeems to me ſo ſtrange as that (wheras there was nothing more familiar with theſe Counſillors, than to bring the Scripture to the Houſe) there ſhould not be a Man of them that ſo much as offer'd to bring the Houſe to the Scripture, wherin, as has bin ſhewn, is contain'd that Original, wherof all the reſt of the Commonwealths ſeem to be Copys. Certainly if LEVIATHAN (who is ſurer of nothing than that a popular Commonwealth conſiſts but of one Council) tranſcrib'd his Doctrin out of this Aſſembly, for him to except againſt ARISTOTLE and CICERO for writing out of their own Commonwealths, was not ſo fair play; or if the Parlament tranſcrib'd out of him, it had been an honor better due to MOSES. But where one of them ſhould have an Example but from the other, I cannot imagin, there being nothing of this kind that I can find in ſtory, but the Oligarchy of *Athens*, the thirty Tyrants of the ſame, and the *Roman Decemvirs*.

Lib. 8. FOR the *Oligarchy*, THUCYDIDES tells us, that it was a Senat or Council of Four hundred, pretending to a Balancing Council of the People conſiſting of Five thouſand, but not producing them; wherin you have the definition of an *Oligarchy*, which is a ſingle Council both debating and reſolving, dividing and chuſing; and what that muſt com to, was ſhewn by the Example of the Girls, and is apparent by the experience of all times: wherfore the Thirty ſet up by the *Lacedemonians* (when they had conquer'd *Athens*) are call'd Tyrants by all Authors, LEVIATHAN only excepted, who will have them againſt all the World to have bin an *Ariſtocracy*; but for what reaſon I cannot imagin, theſe alſo, as void of any Balance, having been void of that which is eſſential to every Commonwealth, whether Ariſtocratical or Popular;

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Popular; except he be pleas'd with them, becauſe that, according to the Teſtimony of XENOPHON, they kill'd more men in eight months, than the *Lacedemonians* had don in ten years; *oppreſſing the People* (to uſe Sir WALTER RALEIGH's words) *with all baſe and intolerable Slavery.*

THE uſurp'd Government of the *Decemvirs* in *Rome* was of the ſame kind. Wherfore in the fear of God let Chriſtian Legiſlators (ſetting the Pattern given in the Mount on the one ſide, and theſe execrable Examples on the other) know the right hand from the left; and ſo much the rather, becauſe thoſe things which do not conduce to the good of the Govern'd, are fallacious, if they appear to be good for the Governors. God in chaſtiſing a People, is accuſtom'd to burn his Rod. The Empire of theſe Oligarchys was not ſo violent as ſhort, nor did they fall upon the People, but in their own immediat ruin. A Council without a Balance is not a Commonwealth, but an Oligarchy; and every Oligarchy, except it be put to the defence of its Wickedneſs or Power againſt ſom outward danger, is factious. Wherfore the Errors of the People being from their Governors (which Maxim in the Politics bearing a ſufficient teſtimony to it ſelf, is alſo prov'd by MACHIAVEL) if the People of *Oceana* have bin factious, the Cauſe is apparent: But what Remedy?

The General.

IN anſwer to this Queſtion, I com now to the Army; of which the moſt victorious Captain, and incomparable Patriot OLPHAUS MEGALETOR was now General: who being a much greater maſter of that Art wherof I have made a rough draught in theſe Preliminarys, had ſuch ſad reflections upon the ways and procedings of the Parlament, as caſt him upon Books, and all other means of diverſion, among which he happen'd on this place of MACHIAVEL: "Thrice "happy is that People which chances to have a Man able to give "them ſuch a Government at once, as without alteration may ſe- "cure them of their Libertys; ſeeing it was certain that *Lacedemon*, in "obſerving the Laws of LYCURGUS, continu'd about eight hundred "years without any dangerous Tumult or Corruption." My Lord General (as it is ſaid of THEMISTOCLES, that he could not ſleep for the Glory obtain'd by MILTIADES at the Battel of *Maratho*) took ſo new and deep an Impreſſion at theſe words of the much greater Glory of LYCURGUS, that, being on this ſide aſſaulted with the emulation of his illuſtrious Object, and on the other with the Miſery of the Nation, which ſeem'd (as it were ruin'd by his Victory) to caſt itſelf at his feet, he was almoſt wholly depriv'd of his natural reſt, till the debate he had within himſelf came to a firm reſolution, that the greateſt Advantages of a Commonwealth are, firſt, that the Legiſlator ſhould be one Man: And, ſecondly, that the Government ſhould be made all together, or at once. For the firſt, It is certain, ſays MACHIAVEL, that a Commonwealth is ſeldom or never well turn'd or conſtituted, except it has bin the Work of one Man; for which cauſe a wiſe Legiſlator, and one whoſe mind is firmly ſet, not upon privat but the public Intereſt, not upon his Poſterity but upon his Country, may juſtly endeavour to get the ſoverain Power into his own hands; nor ſhall any man that is Maſter of Reaſon blame ſuch extraordinary means as in that caſe will be neceſſary, the end proving no other than the Conſtitution of a well-order'd Commonwealth. The reaſon

Def. B. 1 c. 9.

That a Legiſlator is to be one.

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reaſon of this is demonſtrable: for the ordinary means not failing, the Commonwealth has no need of a Legiſlator; but the ordinary means failing, there is no recourſe to be had but to ſuch as are extraordinary. And, wheras a Book or a Building has not bin known to attain to its perfection, if it has not had a ſole Author or Architect; a Commonwealth as to the Fabric of it, is of the like nature. And thus it may be made at once; in which there be great advantages: for a Commonwealth made at once, takes Security at the ſame time it lends Mony; and truſts not itſelf to the Faith of Men, but lanches immediatly forth into the Empire of Laws: and being ſet ſtreight, brings the Manners of its Citizens to its rule; whence follow'd that uprightneſs which was in *Lacedemon*. But Manners that are rooted in men, bow the tenderneſs of a Commonwealth coming up by twigs to their bent; whence follow'd the obliquity that was in *Rome*, and thoſe perpetual Repairs by the Conſuls Axes, and Tribuns Hammers, which could never finiſh that Commonwealth but in deſtruction.

That a Commonwealth is to be mdae at once.

MY Lord General being clear in theſe Points, and of the neceſſity of ſom other courſe than would be thought upon by the Parlament, appointed a meeting of the Army, where he ſpoke his ſenſe agreable to theſe Preliminarys with ſuch ſucceſs to the Soldiery, that the Parlament was ſoon after depos'd; and he himſelf (in the great Hall of the *Pantheon* or Palace of Juſtice, ſituated in *Emporium* the capital City) was created by the univerſal Suffrage of the Army, Lord ARCHON, or ſole Legiſlator of *Oceana:* upon which Theatre you have, to conclude this piece, a Perſon introduc'd, whoſe fame ſhall never draw its Curtain.

THE Lord ARCHON being created, fifty ſelect Perſons to aſſiſt him (by laboring in the Mines of antient Prudence, and bringing its hidden Treaſures to new light) were added, with the ſtile alſo of *Legiſlators*, and ſat as a Council, wherof he was the ſole Director and Preſident.

The

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The Council of Legiſlators.

OF this piece, being the greater half of the whole work, I ſhall be able at this time to give no farther account, than very briefly to ſhew at what it aims.

MY Lord ARCHON in opening the Council of Legiſlators, made it appear how unſafe a thing it is to follow Phanſy in the Fabric of a Commonwealth; and how neceſſary that the Archives of antient Prudence ſhould be ranſack'd before any Counſillor ſhould preſume to offer any other matter in order to the work in hand, or towards the conſideration to be had by the Council upon a Model of Government. Wherfore he caus'd an Urn to be brought, and every one of the Counſillors to draw a Lot. By the Lots as they were drawn,

The Commonwealth of	fell to
ISRAEL	PHOSPHORUS DE AUGE.
ATHENS	NAVARCHUS DE PARALO.
LACEDEMON	LACO DE SCYTALE.
CARTHAGE	MAGO DE SYRTIBUS.
the *ACHEANS*	
ÆTOLIANS, and	ARATUS DE ISTHMO.
LYCIANS	
the *SWITZ*	ALPESTER DE FULMINE.
HOLLAND, and the	
UNITED PROVINCES	GLAUCUS DE ULNA.
ROME	DOLABELLA DE ENYO.
VENICE	LYNCEUS DE STELLA.

THESE contain'd in them all thoſe Excellencys wherof a Commonwealth is capable; ſo that to have added more, had bin to no purpoſe. Upon time given to the Counſillors, by their own Studys and thoſe of their Friends, to prepare themſelves, they were open'd in the Order, and by the Perſons mention'd at the Council of Legiſlators, and afterwards by order of the ſame were repeated at the Council of the *Prytans* to the People: for in drawing of the Lots, there were about a dozen of them inſcrib'd with the letter P. wherby the Counſillors that drew them became *Prytans*.

THE *Prytans* were a Committee or Council ſitting in the great Hall of *Pantheon*, to whom it was lawful for any Man to offer any thing in order to the Fabrick of the Commonwealth: for which cauſe, that they might not be oppreſt by the throng, there was a Rail about the Table where they ſat, and on each ſide of the ſame a Pulpit; that on the right hand for any man that would propoſe any thing, and that on the left for any other that would oppoſe him. And all Partys (being indemnify'd by Proclamation of the ARCHON) were invited to diſpute their own Intereſts, or propoſe whatever they thought fit (in order to the future Government) to the Council of the *Prytans*, (who having a Guard of about two or three hundred men, leſt the heat of diſpute might break the peace) had the Right of Moderators, and were to report

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report from time to time ſuch Propoſitions or Occurrences as they thought fit, to the Council of Legiſlators ſitting more privatly in the Palace call'd *Alma*.

THIS was that which made the People (who were neither ſafely to be admitted, nor conveniently to be excluded in the framing of the Commonwealth) verily believe when it came forth, that it was no other than that wherof they themſelves had bin the makers.

MOREOVER, this Council ſat divers months after the publiſhing, and during the promulgation of the Model to the People; by which means there is ſcarce any thing was ſaid or written for or againſt the ſaid Model, but you ſhall have it with the next impreſſion of this work by way of Oration addreſt to, and moderated by the *Prytans*.

BY this means the Council of Legiſlators had their neceſſary Solitude and due aim in their greater work, as being acquainted from time to time with the pulſe of the People, and yet without any manner of interruption or diſturbance.

WHERFORE every Commonwealth in its place having bin open'd by due Method; that is, Firſt, by the People; Secondly, by the Senat; And, Thirdly, by the Magiſtracy; the Council upon mature debate took ſuch reſults or orders out of each, and out of every part of each of them, as upon opening the ſame they thought fit; which being put from time to time in writing by the Clerc or Secretary, there remain'd no more in the concluſion, than putting the Orders ſo taken together, to view and examin them with a diligent ey, that it might be clearly diſcover'd whether they did interfere, or could any wiſe com to interfere or joſtle one with the other. For as ſuch Orders joſtling, or coming to joſtle one another, are the certain diſſolution of the Commonwealth; ſo taken upon the proof of like experience, and neither joſtling, nor ſhewing which way they can poſſibly come to joſtle one another, they make a perfect, and (for aught that in human Prudence can be foreſeen) an immortal Commonwealth.

AND ſuch was the Art wherby my Lord ARCHON (taking Council of the Commonwealth of *Iſrael*, as of MOSES; and of the reſt of the Commonwealths, as of JETHRO) fram'd the Model of the Commonwealth of *Oceana*.

THE

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THE MODEL OF THE Commonwealth of OCEANA.

WHERAS my Lord ARCHON being from MOSES and LYCURGUS the firſt Legiſlator that hitherto is found in Hiſtory to have introduc'd or erected an intire Commonwealth at once, happen'd, like them alſo, to be more intent upon putting the ſame into execution or action, than into writing; by which means the Model came to be promulgated or publiſh'd with more brevity and leſs illuſtration than is neceſſary for their underſtanding who have not bin acquainted with the whole Procedings of the Council of Legiſlators, and of the *Prytans*, where it was aſſerted and clear'd from all objections and doubts: To the end that I may ſupply what was wanting in the promulgated Epitome to a more full and perfect Narrative of the whole, I ſhall rather take the Commonwealth practically, and as it has now given an account of it ſelf in ſom years Revolutions (as DICEARCHUS is ſaid to have don that of *Lacedemon*, firſt tranſcrib'd by his hand ſom three or four hundred years after the Inſtitution) yet not omitting to add for proof to every Order ſuch Debates and Speeches of the Legiſlators in their Council, or at leaſt ſuch parts of them as may beſt diſcover the reaſon of the Government; nor ſuch ways and means as were us'd in the inſtitution or riſe of the Building, not to be ſo well conceiv'd, without ſom knowlege given of the Engins wherwithal the mighty Weight was mov'd. But thro the intire omiſſion of the Council of Legiſlators or Workmen that ſquar'd every ſtone to this ſtructure in the Quarrys of antient Prudence, the proof of the firſt part of this Diſcourſe will be lame, except I inſert, as well for illuſtration as to avoid frequent repetition, three remarkable Teſtimonys in this place. Suidas.

THE firſt is taken out of the Commonwealth of *Iſrael*: *So* MOSES *hearken'd to the Voice of* (JETHRO) *his Father-in-law, and did all that he had ſaid. And* MOSES *choſe able men out of all* Iſrael, *and made them heads over the People*; Tribuns, as it is in the vulgar Latin; or *Phylarchs*, that is, *Princes of the Tribes*, ſitting upon twelve * Thrones, and judging the twelve Tribes of *Iſrael*: and next to theſe he choſe Rulers of Thouſands, Rulers of Hundreds, Rulers of Fiftys, and Rulers of Tens, which were the ſteps and riſe of this Commonwealth from its foundation or root to its proper elevation or accompliſhment in the *Sanhedrim*, and the Congregation, already open'd in the Preliminarys. Exod. 18. 24. Numb. 1. 16. Matth.

* Sellis Curulibus. *Grot.*

THE Second is taken out of *Lacedemon*, as LYCURGUS (for the greater impreſſion of his Inſtitutions upon the minds of his Citizens) pretended to have receiv'd the Model of that Commonwealth from the Oracle of APOLLO at *Delphos*, the words wherof are thus recorded by PLUTARCH in the Life of that famous Legiſlator: 'When thou 'ſhalt have divided the People into Tribes (which were ſix) and *Obas* '(which were five in every Tribe) thou ſhalt conſtitute the Senat, con- 'ſiſting, with the two Kings, of thirty Counſellors, who, according as 'occaſion requires, ſhall cauſe the Congregation to be aſſembled be- 'tween the Bridg and the River *Gnacion*, where the Senat ſhall propoſe 'to the People, and diſmiſs them without ſuffering them to debate.' The *Obæ* were Linages into which every Tribe was divided, and in each Tribe there was another Diviſion containing all thoſe of the ſame that were of military Age; which being call'd the *Mora*, was ſubdivided into Troops and Companys that were kept in perpetual Diſciplin under the Command of a Magiſtrat call'd the *Polemarch*.

Crag. de Rep. Lac. lib. 1. c. 6.

THE Third is taken out of the Commonwealth of *Rome*, or thoſe parts of it which are compris'd in the firſt and ſecond Books of LIVY, where the People, according to the inſtitution by ROMULUS, are firſt divided into thirty *Curias* or Pariſhes, wherof he elected (by three out of each *Curia*) the Senat, which from his Reign to that of SERVIUS TULLUS propoſed to the Pariſhes or Parochial Congregations; and theſe being call'd the *Comitia Curiata*, had the election of the * Kings, the Confirmation of their † Laws, and the laſt appeal in matters of Judicature, as appears in the caſe of HORATIUS that kill'd his Siſter; till in the Reign of SERVIUS (for the other Kings kept not to the inſtitution of ROMULUS) the People being grown ſomwhat, the Power of the *Curiata* was for the greater part tranſlated to the *Centuriata Comitia* inſtituted by this King, which diſtributed the People according to the cenſe or valuation of their Eſtates into ſix Claſſes, every one containing about forty Centurys, divided into Youth and Elders; the Youth for field-ſervice, the Elders for the defence of their Territory, all arm'd and under continual Diſciplin, in which they aſſembl'd both upon military and civil occaſions. But when the Senat propos'd to the People, the Horſe only, wherof there were twelve Centurys conſiſting of the richeſt ſort over and above thoſe of the Foot enumerated, were call'd with the firſt Claſſis of the Foot to the ſuffrage; or if theſe accorded not, then the ſecond Claſſis was call'd to them, but ſeldom or never any of the reſt. Wherfore the People after the expulſion of the Kings, growing impatient of this inequality, reſted not till they had reduc'd the ſuffrage as it had bin in the *Comitia Curiata* to the whole People again: But in another way, that is to ſay, by the *Comitia Tributa*, which therupon were inſtituted, being a Council where the People in exigencys made Laws without the Senat; which Laws were call'd *Plebiſcita*. This Council is that in regard wherof CICERO and other great Wits ſo frequently inveigh againſt the People, and ſomtimes even LIVY, as at the firſt ‡ inſtitution of it. To ſay the truth, it was a kind of Anarchy, wherof the People could not

Halicar.

* Quirites, Regem create; ita patribus viſum eſt: Tullum Hoſtilium Regem Populus juſſit. Patres authores facti. † Ut ab Romulo traditum, ſuffragium viritim eadem vi, eodemque jure omnibus datum eſt. ‡ Hunc annum inſignem maximè Comitia Tributa efficiunt; res major victoriâ ſuſcepti certaminis quam uſu, plus enim dignitatis Comitiis ipſis detractum eſt, patribus ex Concilio ſubmovendis, quam virium aut plebi additum aut demtum patribus.

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be excuſable, if there had not, thro the Courſes taken by the Senat, bin otherwiſe a neceſſity that they muſt have ſeen the Commonwealth run into Oligarchy.

THE manner how the *Comitia Curiata*, *Centuriata* or *Tributa* were call'd, during the time of the Commonwealth, to the ſuffrage, was by lot: the *Curia*, Century, or Tribe, whereon the firſt lot fell, being ſtil'd *Principium*, or the Prerogative; and the other *Curiæ*, Centurys, or Tribes, wheron the ſecond, third, and fourth Lots, &c. fell, the *Jure vocatæ*: From henceforth not the firſt Claſſis, as in the times of SERVIUS, but the Prerogative, whether *Curia*, Century, or Tribe, came firſt to the Suffrage, whoſe Vote was call'd *Omen Prærogativum*, and ſeldom fail'd to be leading to the reſt of the Tribes. The *Jure vocatæ* in the order of their Lots came next: the manner of giving ſuffrage was, by caſting wooden Tablets, mark'd for the Affirmative or the Negative, into certain Urns ſtanding upon a Scaffold, as they march'd over it in files; which for the reſemblance it bore, was call'd the Bridg. The Candidat or Competitor, who had moſt Suffrages in a *Curia*, Century, or Tribe, was ſaid to have that *Curia*, Century, or Tribe; and he who had moſt of the *Curiæ*, Centurys, or Tribes, carry'd the Magiſtracy. Sigonius.

THESE three places being premis'd, as ſuch upon which there will be frequent reflection, I com to the Narrative, divided into two parts, the firſt containing the Inſtitution, the ſecond the Conſtitution of the Commonwealth; in each wherof I ſhall diſtinguiſh the Orders, as thoſe which contain the whole Model, from the reſt of the Diſcourſe, which tends only to the explanation or proof of them.

IN the inſtitution or building of a Commonwealth, the firſt work (as that of Builders) can be no other than fitting and diſtributing the Materials. *Inſtitution of the Commonwealth.*

THE Materials of a Commonwealth are the People; and the People of *Oceana* were diſtributed by caſting them into certain Diviſions, regarding their Quality, their Age, their Wealth, and the places of their reſidence or habitation, which was don by the inſuing Orders. *Diviſions of the People.*

THE firſt ORDER *diſtributes the People into Freemen or Citizens, and Servants, while ſuch; for if they attain to Liberty, that is, to live of themſelves, they are Freemen or Citizens.* 1. Order. *Into Freemen and Servants.*

THIS Order needs no proof, in regard of the nature of Servitude, which is inconſiſtent with Freedom, or participation of Government in a Commonwealth.

THE ſecond ORDER *diſtributes Citizens into Youth and Elders (ſuch as are from* 18 *years of age to* 30, *being accounted Youth; and ſuch as are of* 30 *and upwards, Elders) and eſtabliſhes that the Youth ſhall be the marching Armys, and the Elders the ſtanding Gariſons of this Nation.* 2. Order. *Into Youth and Elders.*

A COMMONWEALTH whoſe Arms are in the hands of her Servants, had need be ſituated (as is elegantly ſaid of *Venice* by * CONTARINI) out of the reach of their clutches; witneſs the

* Lontana della fede degli huomini.

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danger run by that of *Carthage* in the Rebellion of SPENDIUS and MATHO. But tho a City (if one Swallow makes a Summer) may thus chance to be ſafe, yet ſhall it never be great; for if *Carthage* or *Venice* acquir'd any Fame in their Arms, it is known to have happen'd thro the mere virtue of their Captains, and not of their Orders: wherfore *Iſrael*, *Lacedemon*, and *Rome* intail'd their Arms upon the prime of their Citizens, divided (at leaſt in *Lacedemon* and *Rome*) into Youth and Elders; the Youth for the Field, and the Elders for defence of the Territory.

3. Order. *Into Horſe and Foot.*

THE third ORDER *diſtributes the Citizens into Horſe and Foot by the cenſe or valuation of their Eſtates; they who have above one hundred pounds a year in Lands, Goods, or Monys, being oblig'd to be of the Horſe; and they who have under that Sum, to be of the Foot. But if a man has prodigally waſted and ſpent his Patrimony, he is neither capable of Magiſtracy, Office, or Suffrage in the Commonwealth.*

CITIZENS are not only to defend the Commonwealth, but according to their abilitys, as the *Romans* under SERVIUS TULLUS (regard had to their Eſtates) were ſom inrol'd in the Horſe Centurys, and others of the Foot, with Arms injoin'd accordingly; nor could it be otherwiſe in the reſt of the Commonwealths, tho out of Hiſtorical Remains, that are ſo much darker, it be not ſo clearly probable. And the neceſſary Prerogative to be given by a Commonwealth to Eſtates, is in ſom meaſure in the nature of Induſtry, and the uſe of it to the Public. * *The Roman People*, ſays JULIUS EXUPERANTIUS, *were divided into Claſſes, and tax'd according to the value of their Eſtates. All that were worth the Sums appointed were imploy'd in the Wars; for they moſt eagerly contend for the Victory, who fight for Liberty in defence of their Country and Poſſeſſions. But the poorer ſort were pol'd only for their Heads (which was all they had) and kept in Gariſon at home in time of War: For theſe might betray the Armys for Bread, by reaſon of their Poverty; which is the reaſon that* MARIUS, *to whom the care of the Government ought not to have bin committed, was the firſt that led 'em into the field*; and his Succeſs was accordingly. There is a mean in things; as exorbitant Riches overthrow the Balance of a Commonwealth, ſo extreme Poverty cannot hold it, nor is by any means to be truſted with it. The clauſe in the Order concerning the Prodigal is *Athenian*, and a very laudable one; for he that could not live upon his Patrimony, if he coms to touch the public Mony, makes a Commonwealth Bankrupt.

4. Order. *Into Pariſhes, Hundreds, and Tribes.*

THE fourth ORDER *diſtributes the People according to the places of their Habitation, into Pariſhes, Hundreds, and Tribes.*

FOR except the People be methodically diſtributed, they cannot be methodically collected; but the being of a Commonwealth conſiſts in the methodical Collection of the People: wherfore you have the

* Populus Romanus per Claſſes diviſus erat, & pro Patrimonii facultate cenſebantur; ex iis, omnes quibus res erat, ad militiam ducebantur; diligenter enim pro victoria laborabant, qui ex libertate bona patriam defendebant: Illi autem quibus nullæ opes erant, caput ſuum, quod ſolum poſſidebant, cenſebantur, & belli tempore in mœnibus reſidebant; facile enim poterant exiſtere proditores, quia egeſtas haud facile habetur ſine damno. Hos igitur Marius, quibus non fuerat Reſp. committenda, duxit ad bellum.

Iſraelitiſh

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Iſraelitiſh Diviſions into Rulers of Thouſands, of Hundreds, of Fiftys, and of Tens; and of the whole Commonwealth into Tribes: The *Laconic* into *Obas*, *Moras*, and Tribes; the *Roman* into Tribes, Centurys, and Claſſes: and ſomething there muſt of neceſſity be in every Government of the like nature; as that in the late Monarchy, by Countys. But this being the only Inſtitution in *Oceana* (except that of the Agrarian) which requir'd any charge or included any difficulty, engages me to a more particular Deſcription of the manner how it was perform'd, as follows.

The uſe and method of the Surveyors.

A THOUSAND Surveyors commiſſionated and inſtructed by the Lord ARCHON and the Council, being divided into two equal numbers, each under the inſpection of two Surveyors General, were diſtributed into the Northern and Southern parts of the Territory, divided by the River *Hemiſua*, the whole wherof contains about ten thouſand Pariſhes, ſom ten of thoſe being aſſign'd to each Surveyor: For as to this matter there needed no great exactneſs, it tending only (by ſhewing whither every one was to repair, and wherabout to begin) to the more orderly carrying on of the work; the nature of their Inſtructions otherwiſe regarding rather the number of the Inhabitants, than of the Pariſhes. The Surveyors therfore being every one furniſh'd with a convenient proportion of Urns, Balls and balloting Boxes (in the uſe wherof they had bin formerly exercis'd) and now arriving each at his reſpective Pariſhes, began with the People, by teaching them their firſt leſſon, which was the Ballot; and tho they found them in the beginning ſomewhat froward as at toys, with which (while they were in expectation of greater matters from a Council of Legiſlators) they conceiv'd themſelves to be abus'd, they came within a little while to think them pretty ſport, and at length ſuch as might very ſoberly be us'd in good earneſt: wherupon the Surveyors began the Inſtitution included in

5. Order. *Inſtitution of the Pariſhes, of the Ballot, and of the Deputys.*

THE fifth ORDER, requiring, *That upon the firſt Monday next inſuing the laſt of* December, *the bigger Bell in every Pariſh throout the Nation be rung at eight of the Clock in the morning, and continue ringing for the ſpace of one hour; and that all the Elders of the Pariſh reſpectively repair to the Church, before the Bell has don ringing; where dividing themſelves into two equal Numbers, or as near equal as may be, they ſhall take their places according to their Dignitys (if they be of divers qualitys) and according to their Seniority (if they be of the ſame) the one half on the one ſide, and the other half on the other, in the body of the Church: which don, they ſhall make Oath to the Overſeers of the Pariſh for the time being* (inſtead of theſe the Surveyors were to officiat at the Inſtitution or firſt Aſſembly) *by holding up their hands, to make a fair Election according to the Laws of the Ballot, as they are hereafter explain'd, of ſuch Perſons, amounting to a fifth part of their whole number, to be their Deputys, and to exerciſe their Power in manner hereafter explain'd, as they ſhall think in their Conſciences to be fitteſt for that truſt, and will acquit themſelves of it to the beſt advantage of the Commonwealth. And Oath being thus made, they ſhall procede to Election, if the Elders of the Pariſh amount to one thouſand by the Ballot of the Tribe* (as it is in due place explain'd) *and if the Elders of the Pariſh amount to fifty or upwards, but within the number of one thouſand, by the Ballot of the hundred* (as it is in due place explain'd). *But if the Elders amount not to fifty, then they ſhall*

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ſhall procede to the Ballot of the Pariſh, as it is in this place, and after this manner explain'd. The two Overſeers for the time being ſhall ſeat themſelves at the upper end of the middle Ally, with a Table before them, their faces being towards the Congregation: And the Conſtable for the time being ſhall ſet an Urn before the Table, into which he ſhall put ſo many Balls as there be Elders preſent, wherof there ſhall be one that is gilded, the reſt being white; and when the Conſtable has ſhaken the Urn, ſufficiently to mix the Balls, the Overſeers ſhall call the Elders to the Urn, who from each ſide of the Church ſhall com up the middle Ally in two files, every man paſſing by the Urn, and drawing out one Ball; which if it be Silver, he ſhall caſt into a Bowl ſtanding at the foot of the Urn, and return by the outward Ally on his ſide to his place. But he who draws the golden Ball is the Propoſer, and ſhall be ſeated between the Overſeers, where he ſhall begin in what order he pleaſes, and name ſuch as (upon his Oath already taken) he conceives fitteſt to be choſen, one by one, to the Elders; and the Party nam'd ſhall withdraw while the Congregation is balloting his name by the double Box or Boxes appointed and mark'd on the outward part, to ſhew which ſide is Affirmative and which Negative, being carry'd by a Boy or Boys appointed by the Overſeers, to every one of the Elders, who ſhall hold up a pellet made of linen Rags, between his Finger and his Thumb, and put it after ſuch a manner into the Box, as tho no man can ſee into which ſide he puts it, yet any man may ſee that he puts in but one pellet or ſuffrage. And the ſuffrage of the Congregation being thus given, ſhall be return'd with the Box or Boxes to the Overſeers, who opening the ſame, ſhall pour the affirmative Balls into a white Bowl ſtanding upon the Table on the right hand, to be number'd by the firſt Overſeer; and the Negative into a green Bowl ſtanding on the left hand, to be number'd by the ſecond Overſeer: and the ſuffrages being number'd, he who has the major part in the Affirmative is one of the Deputys of the Pariſh: and when ſo many Deputys are choſen as amount to a full fifth part of the whole number of the Elders, the Ballot for that time ſhall ceaſe. The Deputys being choſen are to be liſted by the Overſeers in order as they were choſen, except only that ſuch as are Horſe muſt be liſted in the firſt place with the reſt, proportionable to the number of the Congregation, after this manner:

Anno Dom.

The Liſt of the firſt Mover.

A.A. Ord. Eq. 1 Dep.	}	*of the Pariſh of —— in the Hundred of —— and the Tribe of —— which Pariſh at the preſent Election contains 20 Elders, wherof one is of the Horſe or Equeſtrian Order.*
B. B. 2 Dep.		
C. C. 3 Dep.		
D. D. 4 Dep.		
E. E. 5 Dep.		

THE firſt and ſecond in the Liſt are Overſeers by conſequence: the third is the Conſtable, and the fourth and fifth are Churchwardens; the Perſons ſo choſen are Deputys of the Pariſh for the ſpace of one year from their Election, and no longer; nor may they be elected two years together. This Liſt being the Primum Mobile, *or firſt Mover of the Commonwealth, is to be regiſter'd in a Book diligently kept and preſerv'd by the Overſeers, who are reſponſible in their places for theſe and other Dutys to be hereafter mentioned, to the Cenſors of the Tribe: and the Congregation is to obſerve the*

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the preſent Order, as they will anſwer the contrary to the Phylarch, *or Prerogative Troop of the Tribe; which, in caſe of failure in the whole or any part of it, have power to fine them or any of them at diſcretion, but under an Appeal to the Parliament.*

FOR proof of this Order; Firſt, in Reaſon: It is with all Politicians paſt diſpute, that paternal Power is in the right of Nature; and this is no other than the derivation of Power from Fathers of Familys, as the natural root of a Commonwealth. And for Experience, if it be otherwiſe in that of *Holland*, I know no other example of the like kind. In *Iſrael*, the ſoverain Power came clearly from the natural Root, the Elders of the whole People; and *Rome* was born (*Comitiis Curiatis*) in her Parochial Congregations, out of which ROMULUS firſt rais'd her Senat, then all the reſt of the Orders of that Commonwealth, which roſe ſo high: For the depth of a Commonwealth is the juſt height of it. Joſ. 24. 1.

* *She raiſes up her Head unto the Skys,*
Near as her Root unto the Center lys.

AND if the Commonwealth of *Rome* was born of thirty Pariſhes, this of *Oceana* was born of ten thouſand. But wheras mention in the birth of this is made of an Equeſtrian Order, it may ſtartle ſuch as know that the diviſion of the People of *Rome*, at the Inſtitution of that Commonwealth into Orders, was the occaſion of its ruin. The diſtinction of the Patrician as a hereditary Order from the very Inſtitution, ingroſſing all the Magiſtracys, was indeed the deſtruction of *Rome*; but to a Knight or one of the Equeſtrian Order, ſays HORACE,

Si quadringentis ſex ſeptem millia deſunt,
Plebs eris.

By which it ſhould ſeem that this Order was not otherwiſe hereditary than a man's Eſtate, nor did it give any claim to Magiſtracy; wherfore you ſhall never find that it diſquieted the Commonwealth; nor dos the name denote any more in *Oceana*, than the Duty of ſuch a man's Eſtate to the Public.

BUT the Surveyors both in this place and in others, foraſmuch as they could not obſerve all the Circumſtances of this Order, eſpecially that of the time of Election, did for the firſt as well as they could; and, the Elections being made and regiſter'd, took each of them Copys of thoſe Liſts which were within their Allotments; which don they produc'd

THE ſixth ORDER, directing, *in caſe a Parſon or Vicar of a Pariſh coms to be remov'd by Death or by the Cenſors, that the Congregation of the Pariſh aſſemble and depute one or two Elders by the Ballot, who upon the charge of the Pariſh ſhall repair to one of the Univerſitys of this Nation with a Certificat ſign'd by the Overſeers, and addreſt to the Vice-Chancellor: which Certificat giving notice of the Death or Removal of the Parſon or Vicar, of the value of the Parſonage or Vicarage, and of the deſire of the* 4. Order. *Of Ordination, a National Religion, and Liberty of Conſcience.*

* Ipſa hæret Scopulis, & tantum vertice ad Auras
Ætheras, quantum radice ad Tartara, tendit.

Congre-

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Congregation to receive a Probationer from that Univerſity, the Vice-Chancellor upon the receit therof ſhall call a Convocation, and having made choice of a fit Perſon, ſhall return him in due time to the Pariſh, where the Perſon ſo return'd ſhall return the full fruits of the Benefice or Vicarage, and do the duty of the Parſon or Vicar, for the ſpace of one year, as Probationer: and that being expir'd, the Congregation of the Elders ſhall put their Probationer to the Ballot: and if he attains not to two parts in three of the Suffrage affirmative, he ſhall take his leave of the Pariſh, and they ſhall ſend in like manner as before for another Probationer; but if their Probationer obtains two parts in three of the Suffrage affirmative, he is then Paſtor of that Pariſh. And the Paſtor of the Pariſh ſhall pray with the Congregation, preach the Word, and adminiſter the Sacraments to the ſame, according to the Directory to be hereafter appointed by the Parliament. Nevertheleſs ſuch as are of gather'd Congregations, or from time to time ſhall join with any of them, are in no wiſe oblig'd to this way of electing their Teachers, or to give their Votes in this caſe, but wholly left to the liberty of their own Conſciences, and to that way of Worſhip which they ſhall chuſe, being not Popiſh, Jewiſh, or Idolatrous. And to the end they may be the better protected by the State in the exerciſe of the ſame, they are deſir'd to make choice, in ſuch manner as they beſt like, of certain Magiſtrats in every one of their Congregations, which we could wiſh might be four in each of them, to be Auditors in caſes of differences or diſtaſt, if any thro variety of opinions, that may be grievous or injurious to them, ſhall fall out. And ſuch Auditors or Magiſtrats ſhall have power to examin the matter, and inform themſelves, to the end that if they think it of ſufficient weight, they may acquaint the Phylarch *with it, or introduce it into the Council of Religion; where all ſuch Cauſes as thoſe Magiſtrats introduce, ſhall from time to time be heard and determin'd according to ſuch Laws as are or ſhall hereafter be provided by the Parlament for the juſt defence of the Liberty of Conſcience.*

THIS Order conſiſts of three parts, the firſt reſtoring the power of Ordination to the People, which, that it originally belongs to them, is clear, tho' not in Engliſh yet in Scripture, where the Apoſtles *ordain'd Elders by the holding up of hands in every Congregation*, that is, by the ſuffrage of the People, which was alſo given in ſom of thoſe Citys by the Ballot. And tho it may be ſhewn that the Apoſtles ordain'd ſome by the laying on of hands, it will not be ſhewn that they did ſo in every Congregation.

Acts 14 23.

EXCOMMUNICATION, as not clearly provable out of the Scripture, being omitted, the ſecond part of the Order implys and eſtabliſhes a National Religion: for there be degrees of Knowlege in divine things; true Religion is not to be learnt without ſearching the Scripture; the Scriptures cannot be ſearch'd by us unleſs we have them to ſearch: and if we have nothing elſe, or (which is all one) underſtand nothing elſe but a Tranſlation, we may be (as in the place alleg'd we have bin) beguil'd or miſled by the Tranſlation, while we ſhould be ſearching the true ſenſe of the Scripture, which cannot be attain'd in a natural way (and a Commonwealth is not to preſume upon that which is ſupernatural) but by the knowlege of the Original and of Antiquity, acquir'd by our own ſtudys, or thoſe of ſom others, for even *Faith coms by hearing*. Wherfore a Commonwealth not making proviſion of men from time to time, knowing in the original Languages wherin the Scriptures were written, and vers'd in thoſe Antiquitys

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tiquitys to which they ſo frequently relate, that the true ſenſe of them depends in great part upon that Knowlege, can never be ſecure that ſhe ſhall not loſe the Scripture, and by conſequence her Religion; which to preſerve ſhe muſt inſtitute ſom method of this Knowlege, and ſom uſe of ſuch as have acquir'd it, which amounts to a National Religion.

THE Commonwealth having thus perform'd her duty towards God, as a rational Creature, by the beſt application of her Reaſon to Scripture, and for the preſervation of Religion in the purity of the ſame, yet pretends not to Infallibility, but coms in the third part of the Order, eſtabliſhing Liberty of Conſcience according to the Inſtructions given to her Council of Religion, to raiſe up her hands to Heaven for further light; in which proceding ſhe follows that (as was ſhewn in the Preliminarys) of *Iſrael*, who tho her National Religion was always a part of her Civil Law, gave to her Prophets the upper hand of all her Orders.

Definition of a Pariſh.

BUT the Surveyors having now don with the Pariſhes, took their leaves; ſo a Pariſh is the firſt diviſion of Land occaſion'd by the firſt Collection of the People of *Oceana*, whoſe Function proper to that place is compriz'd in the ſix preceding Orders.

Inſtitution of the Hundred.

THE next ſtep in the progreſs of the Surveyors was to a meeting of the neareſt of them, as their work lay, by twentys; where conferring their Liſts, and computing the Deputys contain'd therin, as the number of them in Pariſhes, being neareſt Neighbors, amounted to one hundred, or as even as might conveniently be brought with that account, they caſt them and thoſe Pariſhes into the Precinct which (be the Deputys ever ſince more or fewer) is ſtill call'd the *Hundred:* and to every one of theſe Precincts they appointed a certain place, being the moſt convenient Town within the ſame, for the annual Rendevouz; which don, each Surveyor returning to his Hundred, and ſummoning the Deputys contain'd in his Liſts to the Rendevouz, they appear'd and receiv'd

7. Order.

THE ſeventh ORDER, requiring, *That upon the firſt Monday next inſuing the laſt of* January, *the Deputys of every Pariſh annually aſſemble in Arms at the Rendevouz of the Hundred, and there elect out of their number one Juſtice of the Peace, one Juryman, one Captain, one Enſign of their Troop or Century, each of theſe out of the Horſe; and one Juryman, one Crowner, one High Conſtable, out of the Foot; the Election to be made by the Ballot in this manner. The Jurymen for the time being are to be Overſeers of the Ballot* (inſtead of theſe, the Surveyors are to officiat at the firſt Aſſembly) *and to look to the performance of the ſame according to what was directed in the Ballot of the Pariſhes, ſaving that the High Conſtable ſetting forth the Urn, ſhall have five ſeveral ſutes of Gold Balls, and one dozen of every ſute; wherof the firſt ſhall be mark'd with the Letter* A, *the ſecond with the letter* B, *the third with* C, *the fourth with* D, *and the fifth with* E: *and of each of theſe ſutes he ſhall caſt one Ball into his Hat, or into a little Urn, and ſhaking the Balls together preſent them to the firſt Overſeer, who ſhall draw one, and the ſute which is ſo drawn by the Overſeer, ſhall be of uſe for that day, and no other: for example, if the Overſeer drew an* A, *the High Conſtable ſhall put ſeven Gold Balls mark'd with the letter* A *into the Urn, with ſo many Silver ones as ſhall bring them even with the number of the Deputys, who*

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being ſworn, as before, at the Ballot of the Pariſh to make a fair Election, ſhall be call'd to the Urn; and every man coming in manner as was there ſhew'd, ſhall draw one Ball, which if it be Silver, he ſhall caſt it into a Bowl ſtanding at the foot of the Urn, and return to his place; but the firſt that draws a Gold Ball (ſhewing it to the Overſeers, who if it has not the letter of the preſent Ballot, have power to apprehend and puniſh him) is the firſt Elector, the ſecond the ſecond Elector, and ſo to the ſeventh; which Order they are to obſerve in their function. The Electors as they are drawn ſhall be plac'd upon the Bench by the Overſeers, till the whole number be complete, and then be conducted, with the Liſt of the Officers to be choſen, into a Place apart, where being privat, the firſt Elector ſhall name a Perſon to the firſt Office in the Liſt; and if the Perſon ſo nam'd, being balloted by the reſt of the Electors, attains not to the better half of the Suffrages in the Affirmative, the firſt Elector ſhall continue nominating others, till one of them ſo nominated by him attains to the plurality of the Suffrages in the Affirmative, and be written firſt Competitor to the firſt Office. This don, the ſecond Elector ſhall obſerve in his turn the like order; and ſo the reſt of the Electors, naming Competitors each to his reſpective Office in the Liſt, till one Competitor be choſen to every Office: and when one Competitor is choſen to every Office, the firſt Elector ſhall begin again to name a ſecond Competitor to the firſt Office, and the reſt ſucceſſively ſhall name to the reſt of the Offices till two Competitors be choſen to every Office; the like ſhall be repeated till three Competitors be choſen to every Office. And when three Competitors are choſen to every Office, the Liſt ſhall be return'd to the Overſeers, or ſuch as the Overſeers, in caſe they or either of them happen'd to be Electors, have ſubſtituted in his or their place or places: and the Overſeers or Subſtitutes having caus'd the Liſt to be read to the Congregation, ſhall put the Competitors, in order as they are written, to the Ballot of the Congregation: and the reſt of the Proceedings being carry'd on in the manner directed in the Fifth Order, that Competitor, of the three written to each Office, who has moſt of the Suffrages above half in the Affirmative, is the Officer. The Liſt being after this manner completed, ſhall be entred into a Regiſter, to be kept at the Rendevouz of the Hundred, under inſpection of the Magiſtrats of the ſame, after the manner following:

Anno Domini.

The Liſt of the Nebuloſa.

A. A. Ord. Eq.	Juſtice of the Peace	*of the Hundred of —— in the Tribe of —— which Hundred conſiſts at this Election of* 105 *Deputys.*
B. B. Ord. Eq.	Firſt Juryman	
C. C. Ord. Eq.	Captain of the Hundred	
D. D. Ord. Eq.	Enſign	
E. E.	Second Juryman	
F. F.	High Conſtable	
G. G.	Crowner	

THE Liſt being enter'd, the High Conſtable ſhall take three Copys of the ſame, wherof he ſhall preſently return one to the Lord High Sheriff of the Tribe, a ſecond to the Lord Cuſtos Rotulorum, *and a third to the Cenſors; or theſe, thro the want of ſuch Magiſtrats at the firſt muſter, may be return'd to the Orator, to be appointed for that Tribe. To the obſervation of all and every part of this Order, the Officers and Deputys of the Hundred are all and every of them oblig'd, as they will anſwer it to the* Phylarch,

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larch, *who has power in case of failure in the whole or any part, to fine all or any of them so failing at discretion, or according to such Laws as shall hereafter be provided in that case; but under an Appeal to the Parlament.*

THERE is little in this Order worthy of any further account, but that it answers to the Rulers of Hundreds in *Israel*, to the *Mora* or Military part of the Tribe in *Lacedemon*, and to the Century in *Rome*. The Jurymen, being two in a Hundred, and so forty in a Tribe, give the Latitude allow'd by the Law for exceptions. And wheras the Golden Balls at this Ballot begin to be mark'd with Letters, wherof one is to be drawn immediatly before it begins; this is to the end that the Letter being unknown, Men may be frustrated of tricks or foul play, wheras otherwise a Man may bring a Golden Ball with him, and make as if he had drawn it out of the Urn. The Surveyors, when they had taken Copys of these Lists, had accomplish'd their work in the Hundreds.

Definition of the Hundred.

SO a Hundred is the second Division of Land occasion'd by the second Collection of the People, whose Civil and Military Functions proper to this place are compriz'd in the foregoing Order.

Institution of the Tribe.

HAVING stated the Hundreds, they met once again by Twentys, where there was nothing more easy than to cast every twenty Hundreds, as they lay most conveniently together, into one Tribe; so the whole Territory of *Oceana*, consisting of about ten thousand Parishes, came to be cast into one thousand Hundreds, and into fifty Tribes. In every Tribe at the place appointed for the annual Rendevouz of the same, were then, or soon after, begun those Buildings which are now call'd *Pavilions*; each of them standing with one open side upon fair Columns, like the porch of som antient Temple, and looking into a Field, capable of the muster of som four thousand Men: Before each Pavilion stand three Pillars sustaining Urns for the Ballot, that on the right-hand equal in height to the brow of a Horsman, being call'd the *Horse Urn*; that on the left-hand, with Bridges on either side to bring it equal in height with the brow of a Footman, being call'd the *Foot Urn*; and the *middle Urn* with a Bridg on the side towards the Foot Urn, the other side, as left for the Horse, being without one: and here ended the whole work of the Surveyors, who return'd to the Lord ARCHON with this

Of the Pavilion.

Account of the charge.

	l.	*s.*	
IMPRIMIS, Urns, Balls, and Balloting Boxes for ten thousand Parishes, the same being wooden Ware,	20000	00	*The whole Charge of the Institution.*
ITEM, Provisions of the like kind for a thousand Hundreds,	3000	00	
ITEM, Urns and Balls of Metal, with Balloting Boxes for fifty Tribes, —— ——	2000	00	
ITEM, For erecting of fifty Pavilions, —— ——	60000	00	
ITEM, Wages for four Surveyors General at 10000 *l.* a man,	4000	00	
ITEM, Wages for the rest of the Surveyors, being 1000 at 250 *l.* a man, —— —— ——	250000	00	
Sum Total,	339000	00	

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THIS is no great matter of charge for the building of a Commonwealth, in regard that it has coſt (which was pleaded by the Surveyors) as much to rig a few Ships. Nevertheleſs that proves not them to be honeſt, nor their account to be juſt; but they had their Mony for once, tho their reckoning be plainly guilty of a Crime, to coſt him his Neck that commits it another time, it being impoſſible for a Commonwealth (without an exact proviſion that it be not abus'd in this kind) to ſubſiſt: for if no regard ſhould be had of the Charge (tho that may go deep) yet the Debauchery and Corruption, wherto, by negligence in Accounts, it infallibly expoſes its Citizens, and therby leſſens the public Faith, which is the Nerve and Ligament of Government, ought to be prevented. But the Surveyors being diſpatch'd, the Lord ARCHON was very curious in giving names to his Tribes, which having caus'd to be written in Scrols caſt into an Urn, and preſented to the Counſillors, each of them drew one, and was accordingly ſent to the Tribe in his lot, as Orators of the ſame, a Magiſtracy no otherwiſe inſtituted, than for once and *pro tempore*, to the end that the Council upon ſo great an occaſion might both congratulat with the Tribes, and aſſiſt at the firſt muſter in ſom things of neceſſity to be differently carry'd from the eſtabliſh'd Adminiſtration, and future Courſe of the Commonwealth.

THE Orators being arriv'd, every one as ſoon as might be, at the Rendevouz of his Tribe, gave notice to the Hundreds, and ſummon'd the Muſter, which appear'd for the moſt part upon good Horſes, and already indifferently well arm'd; as to inſtance in one for all, the Tribe of *Nubia*, where HERMES DE CADUCEO, Lord Orator of the ſame, after a ſhort ſalutation and a hearty welcom, apply'd himſelf to his buſineſs, which began with

8 Order. THE eighth ORDER, requiring, *That the Lord High Sheriff as Commander in Chief, and the Lord* Cuſtos Rotulorum *as Muſtermaſter of the Tribe (or the Orator for the firſt Muſter) upon reception of the Liſts of their Hundreds, return'd to them by the High Conſtables of the ſame, preſently cauſe them to be caſt up, dividing the Horſe from the Foot, and liſting the Horſe by their names in Troops, each Troop containing about a hundred in number, to be inſcrib'd, firſt, ſecond or third Troop,* &c. *according to the Order agreed upon by the ſaid Magiſtrats: Which don, they ſhall liſt the Foot in like manner, and inſcribe the Companys in like order. Theſe Liſts upon the Eve of the Muſter ſhall be deliver'd to certain Trumpeters and Drummers, wherof there ſhall be fifteen of each ſort (as well for the preſent as otherwiſe to be hereafter mentioned) ſtipendiated by the Tribe. And the Trumpeters and Drummers ſhall be in the Field before the Pavilion, upon the day of the Muſter, ſo ſoon as it is light, where they ſtall ſtand every one with his Liſt in his hand, at a due diſtance, placed according to the Order of the Liſt; the Trumpeters with the Liſts of the Horſe on the right hand, and the Drummers with the Liſts of the Foot on the left hand: where having ſounded a while, each of them ſhall begin to call, and continue calling the names of the Deputys, as they com into the field, till both the Horſe and Foot be gather'd by that means into their due Order. The Horſe and Foot being in order, the Lord Lieutenant of the Tribe ſhall caſt ſo many Gold Balls mark'd with the figures* 1, 2, 3, 4, &c. *as there be Troops of Horſe in the Field, together with ſo many Silver Balls as there be Companys, mark'd in the ſame manner, into a little Urn, to which he ſhall call*

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call the Captains; and the Captains drawing the Gold Balls ſhall command the Horſe, and thoſe that draw the Silver the Foot, each in the order of his Lot. The like ſhall be don by the Conductor at the ſame time for the Enſigns at another Urn; and they that draw the Gold Balls ſhall be Cornets, the reſt Enſigns.

THIS Order may puzzle the Reader, but tends to a wonderful ſpeed of the Muſter, to which it would be a great matter to loſe a day in ranging and martialling, whereas by virtue of this the Tribe is no ſooner in the field than in Battalia, nor ſooner in Battalia than call'd to the Urns or the Ballot by virtue of

THE ninth ORDER, *wherby the Cenſors (or the Orator for the firſt Muſter) upon reception of the Liſts of the Hundreds from the High Conſtables, according as is directed by the ſeventh Order, are to make their Notes for the Urns beforehand, with regard had to the Liſts of the Magiſtrats, to be elected by the enſuing Orders, that is to ſay, by the firſt Liſt call'd the* prime Magnitude, *ſix; and by the ſecond call'd the* Galaxy, *nine. Wherfore the Cenſors are to put into the middle Urn for the Election of the firſt Liſt twenty four Gold Balls, with twenty ſix Blanks or Silver Balls, in all ſixty; and into the ſide Urns ſixty Gold Balls divided into each according to the different number of the Horſe and Foot: that is to ſay, if the Horſe and the Foot be equal, equally; and if the Horſe and the Foot be inequal, inequally, by an Arithmetical Proportion. The like ſhall be don the ſecond day of the Muſter, for the ſecond Liſt, except that the Cenſors ſhall put into the middle Urn* 36 *Gold Balls with* 24 *Blanks, in all ſixty; and ſixty Gold Balls into the ſide Urns, divided reſpectively into the number of the Horſe and the Foot: and the Gold Balls in the ſide Urns at either Ballot are by the addition of Blanks to be brought even with the number of the Ballotants at either Urn reſpectively. The Cenſors having prepar'd their Notes, as has bin ſhewn, and being com at the day appointed into the Field, ſhall preſent a little Urn to the Lord High Sheriff, who is to draw twice for the Letters to be us'd that day, the one at the ſide Urns, and the other at the middle. And the Cenſors having fitted the Urns accordingly, ſhall place themſelves in certain movable Seats or Pulpits (to be kept for that uſe in the Pavilion) the firſt Cenſor before the Horſe Urn, the ſecond before the Foot Urn, the Lord Lieutenant doing the Office of Cenſor* pro tempore *at the middle Urn; where all and every one of them ſhall cauſe the Laws of the Ballot to be diligently obſerv'd, taking a ſpecial care that no Man be ſuffer'd to com above once to the Urn, (wherof it more particularly concerns the Subcenſors, that is to ſay, the Overſeers of every Pariſh, to be careful; they being each in this regard reſponſible for their reſpective Pariſhes) or to draw above one Ball, which if it be Gold, he is to preſent to the Cenſor, who ſhall look upon the Letter; and if it be not that of the day, and of the reſpective Urn, apprehend the Party, who for this or any other like diſorder, is obnoxious to the* Phylarch. 9 Order.

THIS Order being obſerv'd by the Cenſors, it is not poſſible for the People, if they can but draw the Balls, tho they underſtand nothing at all of the Ballot, to be out. To philoſophize further upon this Art, tho there be nothing more rational, were not worth the while; becauſe in writing it will be perplex'd, and the firſt practice of it gives the demonſtration: whence it came to paſs, that the Orator, after

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after ſom needleſs pains in the explanation of the two foregoing Orders, betaking himſelf to exemplify the ſame, found the work don to his hand; for the Tribe, as eager upon a buſineſs of this nature, had retain'd one of the Surveyors, out of whom (before the Orator arriv'd) they had got the whole Myſtery by a ſtoln Muſter, at which in order to the Ballot they had made certain Magiſtrats *pro tempore*. Wherfore he found not only the Pavilion (for this time a Tent) erected with three Poſts, ſupplying the place of Pillars to the Urns; but the Urns being prepar'd with a juſt number of Balls for the firſt Ballot, to becom the Field, and the occaſion very gallantly, with their Covers made in the manner of Helmets, open at either ear to give paſſage to the hands of the Ballotants, and flanting with noble Plumes to direct the March of the People. Wherfore he proceded to

10. Order. THE tenth ORDER, *requiring of the Deputys of the Pariſhes, That upon every Monday next enſuing the laſt of* February, *they make their perſonal appearance, Horſe and Foot in Arms accordingly, at the Rendevouz of the Tribe; where being in Diſciplin, the Horſe upon the right, and the Foot upon the left, before the Pavilion, and having made Oath by holding up their hands upon the tender of it by the Lord High Sheriff, to make Election without favour, and of ſuch only as they ſhall judg fitteſt for the Commonwealth: The Conductor ſhall take three Balls, the one inſcrib'd with theſe words* [outward Files] *another with theſe words* [inward Files] *and the third with theſe* [middle Files] *which Balls he ſhall caſt into a little Urn, and preſent it to the Lord High Sheriff, who drawing one, ſhall give the words of Command, as they are therupon inſcrib'd, and the Ballot ſhall begin accordingly. For example, if the Ball be inſcrib'd* middle Files, *the Ballot ſhall begin by the middle; that is, the two Files that are middle to the Horſe, ſhall draw out firſt to the Horſe Urn, and the two Files that are middle to the Foot, ſhall draw out firſt to the Foot Urn, and be follow'd by all the reſt of the Files as they are next to them in order. The like ſhall be don by the inward, or by the outward Files, in caſe they be firſt call'd. And the Files, as every Man has drawn his Ball, if it be Silver, ſhall begin at the Urn to countermarch to their places; but he that has drawn a Gold Ball at a ſide Urn, ſhall procede to the middle Urn, where if the Ball he draws be Silver, he ſhall alſo countermarch: But if it be Gold, he ſhall take his place upon a form ſet croſs the Pavilion, with his face toward the Lord High Sheriff, who ſhall be ſeated in the middle of the Pavilion, with certain Clercs by him, one of which ſhall write down the names of every Elector, that is, of every one that drew a Gold Ball at the middle Urn, and in the Order his Ball was drawn, till the Electors amount to ſix in number. And the firſt ſix Electors, Horſe and Foot promiſcuouſly, are the firſt Order of Electors; the ſecond ſix (ſtill accounting them as they are drawn) the ſecond Order; the third ſix, the third Order; and the fourth ſix, the fourth Order of Electors: every Elector having place in his order, according to the order wherein he was drawn. But ſo ſoon as the firſt Order of Electors is complete, the Lord High Sheriff ſhall ſend them with a Copy of the following Liſt, and a Clerc that underſtands the Ballot, immediatly to a little Tent ſtanding before the Pavilion in his ey, to which no other Perſon but themſelves, during the Election, ſhall approach. The Liſt ſhall be written in this manner:*

Anno

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Anno Domini.

The Liſt of the Prime Magnitude or firſt day's Election of Magiſtrats.

1. The Lord High Sheriff, *Commander in Chief*
2. Lord Lieutenant
3. Lord Cuſtos Rotulorum, *Muſtermaſter General*
4. The Conductor, *being Quartermaſter General*
5. The firſt Cenſor
6. The ſecond Cenſor

of the Tribe of Nubia, *containing at this preſent Muſter* 700 *Horſe, and* 1500 *Foot, in all* 2200 *Deputys.*

Inſtitution of the Prime Magnitude.

AND the Electers of the firſt band or order, being ſix, ſhall each of them name to his reſpective Magiſtracy in the left ſuch as are not already elected in the Hundreds, till one Competitor be choſen to every Magiſtracy in the Liſt by the Ballot of the Electors of the firſt Order; which don, the Liſt with the Competitors therunto annex'd ſhall be return'd to the Lord High Sheriff by the Clerc attending that Order, but the Electors ſhall keep their places: for they have already given their Suffrage, and may not enter into the Ballot of the Tribe. If there ariſes any Diſpute in an Order of Electors, one of the Cenſors or Subcenſors appointed by them in caſe they be Electors, ſhall enter into the Tent of that Order; and that Order ſhall ſtand to his Judgment in the deciſion of the Controverſy. The like ſhall be don exactly by each other Order of Electors, being ſent as they are drawn, each with another Copy of the ſame Liſt, into a diſtinct Tent, till there be return'd to the Lord High Sheriff four Competitors to every Magiſtracy in the Liſt; that is to ſay, one Competitor elected to every Office in every one of the four Orders: which Competitors the Lord High Sheriff ſhall cauſe to be pronounc'd or read by a Cryer to the Congregation; and the Congregation having heard the whole Liſts repeated, the Names ſhall be put by the Lord High Sheriff to the Tribe, one by one, beginning with the firſt Competitor in the firſt Order, thence proceding to the firſt Competitor in the ſecond Order, and ſo to the firſt in the third and fourth Orders. And the Suffrages being taken in boxes by boys (as has bin already ſhewn) *ſhall be pour'd into the Bowls ſtanding before the Cenſors, who ſhall be ſeated at each end of the Table in the Pavilion, the one numbring the Affirmatives, and the other the Negatives; and he, of the four Competitors to the firſt Magiſtracy, that has moſt above half the Suffrages of the Tribe in the Affirmative, is the firſt Magiſtrat. The like is to be don ſucceſſively by the reſt of the Competitors in their order. But becauſe ſoon after the Boxes are ſent out for the firſt name, there be others ſent out for the ſecond, and ſo for the third, &c. by which means divers names are ſucceſſively at one and the ſame time in ballotting; the Boy that carrys a Box ſhall ſing or repeat continually the name of the Competitor for whom that Box is carrying, with that alſo of the Magiſtracy to which he is propos'd. A Magiſtrat of the Tribe happening to be an Elector, may ſubſtitute any one of his own Order to execute his other Function. The Magiſtrats of the Prime Magnitude being thus elected, ſhall receive the preſent Charge of the Tribe.*

IF it be objected againſt this Order, that the Magiſtrats to be elected by it, will be Men of more inferior rank than thoſe of the Hundreds, in regard that thoſe are choſen firſt; it may be remember'd,

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ber'd, that ſo were the Burgeſſes in the former Government, nevertheleſs the Knights of the Shire were Men of greater quality: And the Election at the Hundred is made by a Council of Electors, of whom leſs cannot be expected than the diſcretion of naming Perſons fitteſt for thoſe Capacitys, with an ey upon theſe to be elected at the Tribe. As for what may be objected in point of Difficulty, it is demonſtrable by the foregoing Orders, that a Man might bring ten thouſand Men (if there were occaſion) with as much eaſe, and as ſuddenly to perform the Ballot, as he can make five thouſand Men (drawing them out by double Files) to march a quarter of a mile. But becauſe at this Ballot, to go up and down the Field, diſtributing the linen Pellets to every Man, with which he is to ballot or give ſuffrage, would loſe a great deal of time, therfore a Man's Wife, his Daughters, or others, make him his proviſion of Pellets before the Ballot; and he coms into the field with a matter of a ſcore of them in his pocket. And now I have as good as don with the ſport. The next is

11. Order. *Functions of the Magiſtrats of the Prime Magnitude.*

THE eleventh ORDER, *explaining the Dutys and Functions of the Magiſtrats contain'd in the Liſt of the Prime Magnitude: And thoſe of the Hundreds, beginning with the Lord High Sheriff, who, over and above his more antient Offices, and thoſe added by the former Order, is the firſt Magiſtrat of the* Phylarch, *or Prerogative Troop. The Lord Lieutenant, over and above his Duty mention'd, is Commander in Chief of the Muſters of the Youth, and ſecond Magiſtrat of the* Phylarch. *The* Cuſtos Rotulorum *is to return the yearly Muſter-rolls of the Tribe, as well that of the Youth as of the Elders, to the Rolls in* Emporium, *and is the third Magiſtrat of the* Phylarch. *The Cenſors by themſelves, and their Subcenſors, that is, the Overſeers of the Pariſhes, are to ſee that the reſpective Laws of the Ballot be obſerv'd in all the popular Aſſemblys of the Tribe. They have power alſo to put ſuch National Miniſters, as in Preaching ſhall intermeddle with matters of Government, out of their Livings: except the Party appeals to the* Phylarch, *or to the Council of Religion, where in that caſe the Cenſors ſhall proſecute. All and every one of theſe Magiſtrats, together with the Juſtices of Peace, and the Jurymen of the Hundreds, amounting in the whole number to threeſcore and ſix, are the Prerogative Troop or* Phylarch *of the Tribe.*

THE Function of the Phylarch *or Prerogative Troop is fivefold.*

Functions of the Phylarch.

FIRST, *They are the Council of the Tribe, and as ſuch to govern the Muſters of the ſame according to the foregoing Orders, having cognizance of what has paſt in the Congregation or Elections made in the Pariſhes or the Hundreds, with power to puniſh any undue practices, or variation from their reſpective Rules and Orders, under an Appeal to the Parlament. A Marriage legitimatly is to be pronounc'd by the Parochial Congregation, the Muſter of the Hundred, or the* Phylarch. *And if a Tribe have a deſire (which they are to expreſs at the Muſter by their Captains, every Troop by his own) to petition the Parlament, the* Phylarch, *as the Counſil, ſhall frame the Petition in the Pavilion, and propoſe it by Clauſes to the Ballot of the whole Tribe; and the Clauſes that ſhall be affirm'd by the Ballot of the Tribe, and ſign'd by the hands of the ſix Magiſtrats of the Prime Magnitude, ſhall be receiv'd and eſteem'd by the Parlament as the Petition of the Tribe, and no other.*

SECOND-

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SECONDLY, *The* Phylarch *has power to call to their assistance what other Troops of the Tribe they please (be they elders or youth, whose Disciplin will be hereafter directed) and with these to receive the Judges* Itinerant *in their Circuits, whom the Magistrats of the* Phylarch *shall assist upon the Bench, and the Jurys elsewhere in their proper functions according to the more antient Laws and Customs of this Nation.*

THIRDLY, *The* Phylarch *shall hold the Court call'd the* Quarter Sessions *according to the antient Custom, and therin shall also hear Causes in order to the protection of Liberty of Conscience, by such Rules as are or shall hereafter be appointed by the Parlament.*

FOURTHLY, *All Commissions, issu'd into the Tribes by the Parlament, or by the Chancery, are to be directed to the* Phylarch, *or som of that Troop, and executed by the same respectively.*

FIFTHLY, *In the case of Levys of Mony the Parlament shall tax the Phylarchs, the Phylarchs shall tax the Hundreds, the Hundreds the Parishes, and the Parishes shall levy it upon themselves. The Parishes having levy'd the Tax-mony, accordingly shall return it to the Officers of the Hundreds, the Hundreds to the Phylarchs, and the Phylarchs to the* Exchequer. *But if a man has ten Children living, he shall pay no Taxes; if he has five living, he shall pay but half Taxes; if he has bin marry'd three years, or be above twenty-five years of Age, and has no Child or Children lawfully begotten, he shall pay double Taxes. And if there happen to grow any dispute upon these or such other Orders as shall or may hereto be added hereafter, the Phylarchs shall judge the Tribes, and the Parlament shall judg the Phylarchs. For the rest, if any man shall go about to introduce the right or power of Debate into any popular Council or Congregation of this Nation, the Phylarch or any Magistrat of the Hundred, or of the Tribe, shall cause him presently to be sent in custody to the Council of War.*

Institution of the Roll call'd the Pillar of Nilus.

THE part of the Order relating to the Rolls in *Emporium* being of singular use, is not unworthy to be somwhat better open'd. In what manner the Lists of the Parishes, Hundreds, and Tribes are made, has bin shewn in their respective Orders, where after the Partys are elected, they give an account of the whole number of the Elders or Deputys in their respective Assemblys or Musters; the like for this part exactly is don by the Youth in their Disciplin (to be hereafter shewn) wherfore the Lists of the Parishes, Youth and Elders, being sum'd up, give the whole number of the People able to bear Arms; and the Lists of the Tribes, Youth and Elders, being sum'd up, give the whole number of the People bearing Arms. This account, being annually recorded by the Master of the Rolls, is call'd the *Pillar of Nilus*, because the People being the Riches of the Commonwealth, as they are found to rise or fall by the degrees of this Pillar, like that River, give an account of the public Harvest.

THUS much for the Description of the first day's work at the Muster, which happen'd as has bin shewn, to be done as soon as said: for as in practice it is of small difficulty, so requires it not much time, seeing the great Council of *Venice*, consisting of a like number, begins at twelve of the Clock, and elects nine Magistrats in one Afternoon. But the Tribe being dismist for this night, repair'd to their Quarters, under the conduct of their new Magistrats. The next morning returning to the field very early, the Orator proceded to

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12. Order. *Inſtitution of the* Galaxy. The twelfth ORDER, *directing the Muſter of the Tribe in the ſecond day's Election, being that of the Liſt call'd the* Galaxy; *in which the Cenſors ſhall prepare the Urns according to the Directions given in the ninth Order for the ſecond Ballot; that is to ſay, with* 36 *Gold Balls in the middle Urn, making four Orders, and nine Electors in every Order, according to the number of the Magiſtrats in the Liſt of the* Galaxy, *which is as follows:*

1. Knight
2. Knight

} to be choſen out of the Horſe.

3. Deputy
4. Deputy
5. Deputy

} to be choſen out of the Horſe.

6. Deputy
7. Deputy
8. Deputy
9. Deputy

} to be choſen out of the Foot.

THE reſt of the Ballot ſhall procede exactly according to that of the firſt day. But foraſmuch as the Commonwealth demands as well the fruits of a man's body as of his mind, he that has not bin marry'd ſhall not be capable of theſe Magiſtracys till he be marry'd. If a Deputy, already choſen to be an Officer in the Pariſh, in the Hundred, or in the Tribe, be afterwards choſen of the Galaxy, *it ſhall be lawful for him to delegat his Office in the Pariſh, in the Hundred, or in the Tribe, to any one of his own Order, being not already choſen into Office. The Knights and Deputys being choſen, ſhall be brought to the head of the Tribe by the Lord high Sheriff, who ſhall adminiſter to them this Oath*; Ye ſhall well and truly obſerve and keep the Orders and Cuſtoms of this Commonwealth which the People have choſen. *And if any of them ſhall refuſe the Oath, he ſhall be rejected, and that Competitor which had the moſt voices next ſhall be call'd, in his place; who if he takes the Oath ſhall be entered in the Liſt; but if he alſo refuſes the Oath, he who had moſt voices next ſhall be call'd, and ſo till the number of nine out of thoſe Competitors which had moſt voices be ſworn Knights and Deputys of the* Galaxy. [This Clauſe, in regard of the late Diviſions, and to the end that no violence be offer'd to any man's Conſcience, to be of force but for the firſt three years only.] *The Knights of the* Galaxy *being elected and ſworn, are to repair, by the Monday next inſuing the laſt of* March, *to the* Pantheon *or Palace of Juſtice, ſituated in the Metropolis of this Commonwealth (except the Parlament, by reaſon of a contagious Sickneſs, or ſom other occaſion, has adjourn'd to another part of the Nation) where they are to take their places in the Senat, and continue in full Power and Commiſſion as Senators for the full term of three years next inſuing the date of their Election. The Deputys of the* Galaxy *are to repair by the ſame day (except as before excepted) to the* Halo *ſituated in* Emporium, *where they are to be liſted of the Prerogative Tribe, or equal Repreſentative of the People; and to continue in full Power and Commiſſion as their Deputys for the full term of three years next inſuing their Election. But foraſmuch as the term of every Magiſtracy or Office in this Commonwealth requires an equal vacation, a Knight or Deputy of the* Galaxy,

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Galaxy, *having fulfil'd his term of three years, ſhall not be reelected into the ſame* Galaxy, *or any other, till he has alſo fulfil'd his three years vacation.*

WHOEVER ſhall rightly conſider the foregoing Orders, will be as little able to find how it is poſſible, that a worſhipful Knight ſhould declare himſelf in Ale and Beef worthy to ſerve his Country, as how my Lord High Sheriff's Honour, in caſe he were protected from the Law, could play the knave. But tho the foregoing Orders, ſo far as they regard the Conſtitution of the Senat and the People, requiring no more as to an ordinary Election than is therin explain'd, that is but one third part of their Knights and Deputys, are perfect; yet muſt we in this place, and as to the Inſtitution, of neceſſity erect a Scaffold. For the Commonwealth to the firſt creation of her Councils in full number, requir'd thrice as many as are eligible by the foregoing Orders. Wherfore the Orator, whoſe aid in this place was moſt neceſſary, rightly informing the People of the reaſon, ſtaid them two days longer at the Muſter, and took this courſe. One Liſt containing two Knights and ſeven Deputys, he caus'd to be choſen upon the ſecond day; which Liſt being call'd the *firſt Galaxy*, qualify'd the Partys elected of it with power for the term of one year and no longer: another Liſt containing two Knights and ſeven Deputys more, he caus'd to be choſen the third day, which Liſt being call'd the *ſecond Galaxy*, qualify'd the Partys elected of it with Power for the term of two years and no longer. And upon the fourth day he choſe the *third Galaxy*, accoring as it is directed by the Order, impower'd for three years; which Liſts ſucceſſively falling (like the Signs or Conſtellations of one Hemiſphere, which ſetting, cauſe thoſe of the other to riſe) caſt the great Orbs of this Commonwealth into an annual, triennial, and perpetual Revolution.

THE buſineſs of the Muſter being thus happily finiſh'd, HERMES DE CADUCEO, Lord Orator of the Tribe of *Nubia*, being now put into her firſt Rapture, caus'd one of the Cenſors Pulpits to be planted in front of the Squadron, and aſcending into the ſame, ſpake after this manner.

My Lords, the Magiſtrates and the People of the Tribe of Nubia.

" WE have this day ſolemniz'd the happy Nuptials of the two " greateſt Princes that are upon the Earth or in Nature, ARMS " and COUNCILS: in the mutual Embraces wherof conſiſts your " whole COMMONWEALTH; whoſe Councils upon their perpe- " tual Wheelings, Marches, and Countermarches, create her Armys; " and whoſe Armys with the golden Vollys of the BALLOT at once " create and ſalute her Councils. There be thoſe (ſuch is the World " at preſent) that think it ridiculous to ſee a Nation exerciſing its Ci- " vil Functions in Military Diſciplin; while they, committing their " Buff to their Servants, com themſelves to hold Trenchards. For " what avails it ſuch as are unarm'd, or (which is all one) whoſe " Education acquaints them not with the proper uſe of their Swords, " to be call'd Citizens? What were two or three thouſand of you, tho " never ſo well affected to your Country, but naked, to one Troop of

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" Mercenary Soldiers? If they ſhould com upon the Field and ſay, " Gentlemen, It is thought fit that ſuch and ſuch Men ſhould be choſen " by you; where were your Liberty; Or, Gentlemen, Parlaments " are exceding good, but you are to have a little patience, theſe times " are not ſo fit for them; where were your Commonwealth? What " cauſes the Monarchy of the *Turcs* but Servants in Arms? What was " it that begot the glorious Commonwealth of *Rome*, but the Sword " in the hands of her Citizens? Wherfore my glad eys ſalute the Se- " renity and Brightneſs of this day with a ſhowr that ſhall not cloud " it. Behold the Army of *Iſrael* becom a Commonwealth, and the " Commonwealth of *Iſrael* remaining an Army, with her Rulers of Tens " and of Fiftys, her Rulers of Hundreds and Thouſands, drawing near (as " this day throout our happy Fields) to the Lot by her Tribes, increas'd " above threefold, and led up by her *Phylarchs* or Princes, to ſit upon " * fifty Thrones, judging the fifty Tribes of *Oceana!* Or, Is it *A-* " *thens*, breaking from her Iron Sepulcher, where ſhe has bin ſo long " trampled by Hoſts of *Janizarys?* For certainly that is the voice of " THESEUS, having gather'd his ſcatter'd *Athenians* into one City. " † This freeborn Nation lives not upon the Dole or Bounty of one " man, but diſtributing her annual Magiſtracys and Honours with her " own hand, is herſelf King PEOPLE—*(at which the Orator was a* " *while interrupted with ſhouts, but at length proceded)*—Is it grave " *Lacedemon* in her arm'd Tribe divided by her *Obæ* and her *Mora*, " which appears to chide me that I teach the People to talk, or conceive " ſuch Language as is dreſt like a Woman, to be a fit Uſher of the " Joys of Liberty into the hearts of men? Is it *Rome* in her victorious " Arms (for ſo ſhe held her *Concio* or Congregation) that congratu- " lats with us, for finding out that which ſhe could not hit on, and " binding up her *Comitia Curiata*, *Centuriata*, and *Tributa*, in one in- " violable League of Union? Or is it the Great Council of incompa- " rable *Venice*, bowling forth by the ſelf-ſame Ballot her immortal " Commonwealth? For, neither by Reaſon nor by Experience is it " impoſſible that a Commonwealth ſhould be immortal; ſeeing the " People being the Materials, never dy; and the Form, which is " Motion, muſt, without oppoſition, be endleſs. The Bowl which " is thrown from your hand, if there be no rub, no impediment, ſhall " never ceaſe: for which cauſe the glorious Luminarys that are the " Bowls of God, were once thrown for ever; and next theſe, thoſe " of *Venice*. But certainly, my Lords, whatever theſe great Ex- " amples may have ſhewn us, we are the firſt that have ſhewn to the " World a Commonwealth eſtabliſh'd in her riſe upon fifty ſuch " Towers, and ſo garnizon'd as are the Tribes of *Oceana*, containing " a hundred thouſand Elders upon the annual Liſt, and yet but an " Outguard; beſides her marching Armys to be equal in the Diſciplin, " and in the number of her Youth.

" And foraſmuch as Soverain Power is a neceſſary but a for- " midable Creature, not unlike the Pouder which (as you are Soldiers) " is at once your Safety and your Danger, being ſubject to take fire

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* Sellis Curulibus.

† ——— Hæc juris ſui
Parere Domino Civitas uni negat:
Rex ipſa Populus annuas mandat vices
Honoris huic illive———

" againſt

" againſt you as well as for you; how well and ſecurely is ſhe by your " *Galaxys* ſo collected as to be in full force and vigor, and yet ſo diſtri- " buted that it is impoſſible you ſhould be blown up by your own Ma- " gazine? Let them who will have it, that Power if it be confin'd " cannot be Soverain, tell us, whether our Rivers do not enjoy a more " ſecure and fruitful reign within their proper banks, than if it were " lawful for them, in ravaging our Harveſts, to ſpill themſelves? " Whether Souls, not confin'd to their peculiar Bodys, do govern them " any more than thoſe of Witches in their Trances? Whether Power, " not confin'd to the bounds of Reaſon and Virtue, has any other " bounds than thoſe of Vice and Paſſion? Or if Vice and Paſſion be " boundleſs, and Reaſon and Virtue have certain Limits, on which of " theſe Thrones holy men ſhould anoint their Soverain? But to blow " away this duſt, The Soverain Power of a Commonwealth is no more " bounded, that is to ſay ſtraitned, than that of a Monarch; but is " balanc'd. The Eagle mounts not to her proper pitch, if ſhe be " bounded; nor is free, if ſhe be not balanc'd. And leſt a Monarch " ſhould think he can reach further with his Scepter, the Roman Eagle " upon ſuch a Balance ſpread her Wings from the Ocean to *Euphrates*. " Receive the Soverain Power; you have received it, hold it faſt, im- " brace it for ever in your ſhining Arms. The virtue of the Load- " ſtone is not impair'd or limited, but receives ſtrength and nouriſh- " ment by being bound in Iron. And ſo giving your Lordſhips " much Joy, I take my leave of this Tribe."

THE Orator deſcending, had the period of his Speech made with a vaſt applauſe and exultation of the whole Tribe, attending him for that night to his quarter, as the *Phylarch* with ſome commanded Troops did the next day to the Frontiers of the Tribe, where leave was taken on both ſides with more Tears than Grief.

Definition of the Tribe.

SO, a Tribe is the third Diviſion of Land occaſion'd by the third Collection of the People, whoſe Functions proper to that place are contain'd in the five foregoing Orders.

The Inſtitution of the Commonwealth was ſuch as needed thoſe Props and Scaffolds which may have troubled the Reader; but I ſhall here take them away, and com to the Conſtitution which ſtands by it ſelf, and yields a clearer proſpect.

Conſtitution of the Commonwealth.

THE motions, by what has bin already ſhown, are Spherical; and Spherical Motions have their proper Center: for which cauſe (e'er I procede further) it will be neceſſary, for the better underſtanding of the whole, that I diſcover the Center wherupon the Motions of this Commonwealth are form'd.

THE Center, or Baſis of every Government, is no other than the Fundamental Laws of the ſame.

FUNDAMENTAL Laws are ſuch as ſtate what it is that a Man may call his own, that is to ſay, Property; and what the Means be wherby a Man may enjoy his own, that is to ſay, Protection. The firſt is alſo call'd Dominion, and the ſecond Empire or Soverain Power, wherof this (as has been ſhewn) is the natural product of the former: for ſuch as is the Balance of Dominion in a Nation, ſuch is the nature of its Empire.

WHERFORE the Fundamental Laws of *Oceana*, or the Center of this Commonwealth, are the Agrarian and the Ballot: The Agra-

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rian by the Balance of Dominion preſerving Equality in the Root; and the Ballot by an equal Rotation conveying it into the Branch, or Exerciſe of Soverain Power: As, to begin with the former, appears by

THE thirteenth ORDER *conſtituting the Agrarian Laws of* Oceana, Marpeſia, *and* Panopea, *wherby it is ordain'd,* Firſt, *for all ſuch Lands as are lying and being within the proper Territorys of* Oceana, *that every Man who is at preſent poſſeſt, or ſhall hereafter be poſſeſt of an Eſtate in Land exceeding the Revenue of two thouſand Pounds a year, and having more than one Son, ſhall leave his Lands either equally divided among them; in caſe the Lands amount to above* 2000l. *a year to each; or ſo near equally in caſe they com under, that the greater part or portion of the ſame remaining to the eldeſt, excede not the value of two thouſand Pounds Revenue. And no man, not in preſent poſſeſſion of Lands above the value of two thouſand Pounds by the year, ſhall receive, enjoy (except by lawful Inheritance) acquire, or purchaſe to himſelf Lands within the ſaid Territorys, amounting, with thoſe already in his poſſeſſion, above the ſaid Revenue. And if a man has a Daughter, or Daughters, except ſhe be an Heireſs, or they be Heireſſes, he ſhall not leave or give to any one of them in Marriage, or otherwiſe, for her Portion, above the value of one thouſand five hundred Pounds in Lands, Goods, and Monys. Nor ſhall any Friend, Kinſman, or Kinſwoman, add to her or their Portion or Portions that are ſo provided for, to make any one of them greater. Nor ſhall any man demand, or have more in marriage with any Woman. Nevertheleſs an Heireſs ſhall enjoy her lawful Inheritance, and a Widow, whatſoever the Bounty or Affection of her Huſband ſhall bequeath to her, to be divided in the firſt Generation, wherin it is diviſible according as has bin ſhewn.*

SECONDLY, *For Lands lying and being within the Territorys of* Marpeſia, *the Agrarian ſhall hold in all parts as it is eſtabliſh'd in* Oceana, *except only in the Standard or Proportion of Eſtates in Land, which ſhall be ſet for* Marpeſia *at five hundred Pounds. And,*

THIRDLY, *For* Panopea, *the Agrarian ſhall hold in all parts, as in* Oceana. *And whoſoever poſſeſſing above the proportion allow'd by theſe Laws, ſhall be lawfully convicted of the ſame, ſhall forfeit the Overplus to the uſe of the State.*

AGRARIAN Laws of all others have ever bin the greateſt Bugbears, and ſo in the Inſtitution were theſe, at which time it was ridiculous to ſee how ſtrange a fear appear'd in every body of that which, being good for all, could hurt no body. But inſtead of the proof of this Order, I ſhall out of thoſe many Debates that happen'd e'er it could be paſt, inſert two Speeches that were made at the Council of Legiſlators, the firſt by the Right Honorable PHILAUTUS DE GARBO, a young Man, being Heir apparent to a very Noble Family, and one of the Counſillors, who expreſt himſelf as follows.

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May it pleaſe your Highneſs, my Lord ARCHON *of* Oceana.

" IF I did not, to my capacity, know from how profound a " Counſillor I diſſent, it would certainly be no hard taſk to make " it as light as the day: Firſt, That an Agrarian is altogether un- " neceſſary. Secondly, that it is dangerous to a Commonwealth. " Thirdly, That it is inſufficient to keep out Monarchy. Fourthly, " That it ruins Familys. Fifthly, That it deſtroys Induſtry. And " laſt of all, that tho it were indeed of any good uſe, it will be a " matter of ſuch difficulty to introduce in this Nation, and ſo to ſet- " tle that it may be laſting, as is altogether invincible.

" FIRST, that an Agrarian is unneceſſary to a Commonwealth, " what clearer Teſtimony can there be, than that the Commonwealths " which are our Cotemporarys (*Venice*, to which your Highneſs " gives the upperhand of all Antiquity, being one) have no ſuch " thing? And there can be no reaſon why they have it not, ſeeing it " is in the Soverain Power at any time to eſtabliſh ſuch an Order, but " that they need it not; wherfore no wonder if ARISTOTLE, who " pretends to be a good Commonwealthſman has long ſince derided " PHALEAS, to whom it was attributed by the *Greecs*, for his in- " vention.

" SECONDLY, That an Agrarian is dangerous to a Common- " wealth is affirm'd upon no ſlight Authority, ſeeing MACHIAVEL " is poſitive, that it was the Diſſenſion which happen'd about the A- " grarian that caus'd the Deſtruction of *Rome*; nor do I think that " it did much better in *Lacedemon*, as I ſhall ſhew anon.

" THIRDLY, That it is inſufficient to keep out Monarchy can- " not without impiety be deny'd, the holy Scriptures bearing witneſs, " that the Commonwealth of *Iſrael*, notwithſtanding her Agrarian, " ſubmitted her neck to the arbitrary Yoke of her Princes.

" FOURTHLY, Therfore to com to my next Aſſertion, That " it is deſtructive to Familys; this alſo is ſo apparent, that it needs " pity rather than proof. Why, alas, do you bind a Nobility (which " no Generation ſhall deny to have bin the firſt that freely ſacrific'd " their Blood to the antient Libertys of this People) on an unholy " Altar? Why are the People taught, That their Liberty, which, " except our noble Anceſtors had bin born, muſt have long ſince bin " bury'd, cannot now be born except we be bury'd? A Common- " wealth ſhould have the innocence of the Dove. Let us leave this " purchaſe of her Birth to the Serpent, which eats itſelf out of the " womb of its Mother.

" FIFTHLY, But it may be ſaid, perhaps, that we are fallen " from our firſt Love, becom proud and idle. It is certain, my " Lords, that the hand of God is not upon us for nothing. But take " heed how you admit of ſuch aſſaults and ſallys upon Mens Eſtates, " as may ſlacken the Nerve of Labor, and give others alſo reaſon to " believe that their Sweat is vain; or elſe, whatſoever be pretended, " your Agrarian (which is my Fifth Aſſertion) muſt indeed deſtroy " Induſtry. For, that ſo it did in *Lacedemon* is moſt apparent, as alſo " that it could do no otherwiſe, where every Man having his 40 " Quarters of Barly, with Wine proportionable, ſupply'd him out of

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" his own Lot by his Laborer or Helot; and being confin'd in that " to the ſcantling above which he might not live, there was not any " ſuch thing as a Trade, or other Art, except that of War, in ex- " erciſe. Wherfore a *Spartan*, if he were not in Arms, muſt ſit and " play with his fingers, whence inſu'd perpetual War, and, the Eſtate " of the City being as little capable of increaſe as that of the Citizens, " her inevitable Ruin. Now what better ends you can propoſe to " your ſelves in the like ways, I do not ſo well ſee as I perceive that " there may be worſe: For *Lacedemon* yet was free from Civil War: " But if you employ your Citizens no better than ſhe did, I cannot " promiſe you that you ſhall fare ſo well, becauſe they are ſtill deſi- " rous of War that hope it may be profitable to them; and the ſtrong- " eſt Security you can give of Peace, is to make it gainful. Otherwiſe " Men will rather chuſe that wherby they may break your Laws, " than that wherby your Laws may break them. Which I ſpeak not " ſo much in relation to the Nobility or ſuch as would be holding, as " to the People or them that would be getting; the paſſion in theſe " being ſo much the ſtronger, as a Man's felicity is weaker in the " fruition of things, than in their proſecution and increaſe.

" TRULY, my Lords, it is my fear, that by taking of more " hands, and the beſt from Induſtry, you will farther indamage it, " than can be repair'd by laying on a few, and the worſt; while the " Nobility muſt be forc'd to ſend their Sons to the Plow, and, as if " this were not enough, to marry their Daughters alſo to Farmers.

" SIXTHLY, But I do not ſee (to come to the laſt point) how it " is poſſible that this thing ſhould be brought about, to your good I " mean, tho it may to the deſtruction of many. For that the Agra- " rian of *Iſrael*, or that of *Lacedemon* might ſtand, is no ſuch mi- " racle; the Lands, without any conſideration of the former Pro- " prietor, being ſurvey'd and caſt into equal Lots, which could nei- " ther be bought, nor ſold, nor multiply'd: ſo that they knew wher- " about to have a Man. But in this Nation no ſuch Diviſion can be " introduc'd, the Lands being already in the hands of Proprietors, " and ſuch whoſe Eſtates ly very rarely together, but mix'd one with " another; being alſo of Tenures in nature ſo different, that as there " is no experience that an Agrarian was ever introduc'd in ſuch a caſe, " ſo there is no appearance how, or reaſon why it ſhould: but that " which is againſt Reaſon and Experience is impoſſible."

THE caſe of my Lord PHILAUTUS was the moſt concern'd in the whole Nation; for he had four younger Brothers, his Father being yet living to whom he was Heir of ten thouſand Pounds a year. Wherfore being a Man both of good Parts and Eſteem, his Words wrought both upon Mens Reaſon and Paſſions, and had born a ſtroke at the head of the buſineſs, if my Lord ARCHON had not interpos'd the Buckler in this Oration.

My Lords, the Legiſlators of Oceana.

" MY Lord PHILAUTUS has made a thing which is eaſy to " ſeem hard; if the Thanks were due to his Eloquence, it " would be worthy of leſs praiſe, than that he ows it to his Merit,

" and

" and the Love he has moſt deſervedly purchas'd of all Men: nor is
" it rationally to be fear'd, that he who is ſo much beforehand in his
" privat, ſhould be in arrear in his public Capacity. Wherfore my
" Lord's tenderneſs throout his Speech ariſing from no other Prin-
" ciple than his Solicitude leſt the Agrarian ſhould be hurtful to his
" Country; it is no leſs than my duty to give the beſt Satisfaction I
" am able to ſo good a Patriot, taking every one of his Doubts in the
" Order propos'd. And,

" FIRST, Wheras my Lord, upon obſervation of the modern
" Commonwealths, is of opinion, that an Agrarian is not neceſſary:
" It muſt be confeſt, that at the firſt ſight of them there is ſom
" appearance favoring his Aſſertion, but upon Accidents of no prece-
" dent to us. For the Commonwealths of *Switzerland* and *Holland*, I
" mean of thoſe Leagues, being ſituated in Countrys not alluring the
" Inhabitants to Wantonneſs, but obliging them to univerſal Induſ-
" try, have an implicit Agrarian in the nature of them: and being not
" obnoxious to a growing Nobility (which, as long as their former
" Monarchys had ſpread the wing over them, could either not at all
" be hatch'd, or was ſoon broken) are of no example to us, whoſe
" Experience in this point has bin to the contrary. But what if even
" in theſe Governments there be indeed an explicit Agrarian? For
" when the Law commands an equal or near equal diſtribution of a
" Man's Eſtate in Land among his Children, as it is don in thoſe
" Countrys, a Nobility cannot grow; and ſo there needs no Agra-
" rian, or rather there is one. And for the growth of the Nobility
" in *Venice* (if ſo it be, for MACHIAVEL obſerves in that Re-
" public, as a cauſe of it, a great mediocrity of Eſtates) it is not a
" point that ſhe is to fear, but might ſtudy, ſeeing ſhe conſiſts of no-
" thing elſe but Nobility; by which, whatever their Eſtates ſuck from
" the People, eſpecially, if it coms equally, is digeſted into the better
" Blood of that Commonwealth, which is all, or the greateſt benefit
" they can have by accumulation. For how inequal ſoever you will
" have them to be in their Incoms, they have Officers of the Pomp,
" to bring them equal in expences, or at leaſt in the oſtentation or ſhew
" of them. And ſo unleſs the advantage of an Eſtate conſiſts more
" in the meaſure than in the uſe of it, the Authority of *Venice* dos
" but inforce our Agrarian; nor ſhall a Man evade or elude the Pru-
" dence of it, by the Authority of any other Commonwealth. For
" if a Commonwealth has bin introduc'd at once, as thoſe of *Iſrael*
" and *Lacedemon*, you are certain to find her underlaid with this as the
" main Foundation; nor, if ſhe is oblig'd more to Fortune than Pru-
" dence, has ſhe rais'd her head without muſing upon this matter, as
" appears by that of *Athens*, which thro her defect in this point, ſays
" ARISTOTLE, introduc'd her *Oſtraciſm*, as moſt of the Demo- Polit. 1. 3. c. 9.
" cracys of *Grece*. But, not to reſtrain a Fundamental of ſuch la-
" titude to any one kind of Government, do we not yet ſee, that if
" there be a ſole Landlord of a vaſt Territory, he is the *Turc?* That
" if a few Landlords overbalance a populous Country, they have ſtore
" of Servants? That if a People be in an equal balance, they can have
" no Lords? That no Government can otherwiſe be erected, than
" upon ſom one of theſe Foundations? That no one of theſe Foun-
" dations (each being elſe apt to change into ſom other) can give
" any ſecurity to the Government, unleſs it be fix'd: That thro the

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" want of this fixation, potent Monarchy and Commonwealths have
" faln upon the heads of the People, and accompany'd their own ſad
" Ruins with vaſt effuſions of innocent Blood? Let the Fame, as was
" the merit of the antient Nobility of this Nation, be equal to, or
" above what has bin already ſaid, or can be ſpoken; yet have we
" ſeen not only their Glory, but that of a Throne, the moſt indulgent
" to, and leaſt invaſive for ſo many Ages upon the Liberty of a People
" that the World has known, thro the mere want of fixing her root
" by a proportionable Agrarian upon her proper Foundation, to have
" faln with ſuch horror, as has bin a Spectacle of aſtoniſhment to the
" whole Earth. And were it well argu'd from one Calamity, that
" we ought not to prevent another? Nor is ARISTOTLE ſo good
" a Commonwealthſman for deriding the invention of PHALEAS, as
Polit.l.5.c.3. " in recollecting himſelf, where he ſays, That Democracys, when a
" leſs part of their Citizens overtop the reſt in Wealth, degenerat
" into Oligarchys and Principalitys; and, which coms nearer to the
" preſent purpoſe, that the greater part of the Nobility of *Tarentum*
" coming accidentally to be ruin'd, the Government of the Few came
" by conſequence to be chang'd into that of the Many.

" THESE things conſider'd, I cannot ſee how an Agrarian, as
" to the fixation or ſecurity of a Government, can be leſs than neceſſa-
" ry. And if a Cure be neceſſary, it excuſes not the Patient, his
" Diſeaſe being otherwiſe deſperat, that it is dangerous; which was
" the caſe of *Rome*, not ſo ſtated by MACHIAVEL, where he
" ſays, *That the ſtriſe about the Agrarian caus'd the Deſtruction of that*
" *Commonwealth*. As if when a Senator was not rich (as CRASSUS
" held) except he could pay an Army, that Commonwealth could
" expect nothing but Ruin whether in ſtrife about the Agrarian, or
" without it. * *Of late*, ſays LIVY, *Riches have introduc'd Ava-*
" *rice; and voluptuous Pleaſures abounding, have thro Luſt and Luxury*
" *begot a deſire of blaſting and deſtroying all good Orders*. If the greateſt
" Security of a Commonwealth conſiſts in being provided with the
" proper Antidote againſt this Poiſon, her greateſt danger muſt be
" from the abſence of an Agrarian, which is the whole truth of the
" *Roman* example. For the *Laconic*, I ſhall reſerve the farther expli-
" cation of it, as my Lord alſo did, to another place: and firſt ſee
" whether an Agrarian proportion'd to a popular Government be
" ſufficient to keep out Monarchy. My Lord is for the Negative,
" and fortify'd by the People of *Iſrael* electing a King. To which I
" ſay, That the Action of the People therin expreſt is a full Anſwer to
" the Objection of that Example: For the Monarchy neither grew
" upon them, nor could, by reaſon of the Agrarian, poſſibly have
" invaded them, if they had not pull'd it upon themſelves by the
" election of a King. Which being an Accident, the like wherof is
" not to be found in any other People ſo planted, nor in this, till, as it
" is manifeſt, they were given up by God to infatuation (for ſays he
" to SAMUEL, *They have not rejected thee, but they have rejected Me,*
" *that I ſhould not reign over them*) has ſomthing in it which is appa-
" rent, by what went before, to have bin beſides the courſe of Na-
" ture, and by what follow'd. For the King having no other Foun-

* Nuper divitiæ avaritiam, & abundantes voluptates deſiderium, per luxum atque libidinem, perendi perdendique omnia invexere. *Liv. in Præf.*

" dation

" dation than the Calamitys of the People, ſo often beaten by their E-
" nemys, that deſpairing of themſelves, they were contented with any
" change; if he had Peace as in the days of SOLOMON, left but
" a ſlippery Throne to his Succeſſor, as appear'd by REHOBOAM.
" And the Agrarian, notwithſtanding the Monarchy thus introduc'd,
" ſo faithfully preſerv'd the Root of that Commonwealth, that it
" ſhot forth oftner, and by intervals continu'd longer than any other
" Government, as may be computed from the Inſtitution of the ſame
" by JOSHUA, 1465 years before CHRIST, to the total diſſolution
" of it, which happen'd in the Reign of the Emperor ADRIAN,
" 135 years after the Incarnation. A People planted upon an equal
" Agrarian, and holding to it, if they part with their Liberty, muſt
" do it upon good-will, and make but a bad title of their Bounty. As
" to inſtance yet further in that which is propos'd by the preſent Or-
" der to this Nation, the Standard wherof is at 2000 *l.* a year: The
" whole Territory of *Oceana* being divided by this proportion, a-
" mounts to 5000 Lots. So the Lands of *Oceana* being thus diſtribut-
" ed, and bound to this Diſtribution, can never fall to fewer than five
" thouſand Proprietors. But five thouſand Proprietors ſo ſeiz'd will
" not agree to break the Agrarian, for that were to agree to rob one
" another; nor to bring in a King, becauſe they muſt maintain him,
" and can have no benefit by him; nor to exclude the People, becauſe
" they can have as little by that, and muſt ſpoil their Militia. So the
" Commonwealth continuing upon the balance propos'd, tho it ſhould
" come into five thouſand hands, can never alter; and that it ſhould
" ever come into five thouſand hands, is as improbable as any thing in
" the World that is not altogether impoſſible.

" MY Lord's other Conſiderations are more privat: As that this
" Order deſtroys Familys; which is as if one ſhould lay the ruin of
" ſome antient Caſtle to the Herbs which uſually grow out of them;
" the deſtruction of thoſe Familys being that indeed which naturally
" produc'd this Order. For we do not now argue for that which
" we would have, but for that which we are already poſſeſt of;
" as would appear, if a note were but taken of all ſuch as have at
" this day above two thouſand Pounds a year in *Oceana*. If my Lord
" ſhould grant (and I will put it with the moſt) that they who are
" Proprietors in Land, exceeding this proportion, exceed not three
" hundred; with what brow can the intereſt of ſo few be balanc'd
" with that of the whole Nation? or rather, what Intereſt have
" they to put in ſuch a Balance? They would live as they had bin ac-
" cuſtom'd to do; Who hinders them? They would enjoy their E-
" ſtates; who touches them? They would diſpoſe of what they have
" according to the Intereſt of their Familys: It is that which we de-
" ſire. A Man has one Son; let him be call'd: Would he enjoy his
" Father's Eſtate? It is his, his Son's, and his Son's Son's after him.
" A Man has five Sons; let them be call'd: Would they enjoy their
" Father's Eſtate? It is divided among them: for we have four Votes
" for one in the ſame Family, and therfore this muſt be the Intereſt of
" the Family, or the Family knows not its own Intereſt. If a Man
" ſhall diſpute otherwiſe, he muſt draw his Arguments from Cuſtom,
" and from Greatneſs, which was the Intereſt of the Monarchy, not
" of the Family: and we are now a Commonwealth. If the Mo-
" narchy could not bear with ſuch Diviſions becauſe they tended to a

" Commonwealth; neither can a Commonwealth connive at ſuch Ac-
" cumulations, becauſe they tend to a Monarchy. If the Monarchy
" might make bold with ſo many for the good of one, we may make
" bold with one for the good of ſo many; nay, for the good of all.
" My Lords, it coms into my mind, that which upon occaſion of the
" variety of Partys enumerated in our late Civil Wars, was ſaid by a
" Friend of mine coming home from his Travels, about the latter
" end of theſe Troubles; That he admir'd how it came to paſs, that
" younger Brothers, eſpecially being ſo many more in number than
" their Elder, did not unite as one man againſt a Tyranny, the like
" wherof has not bin exercis'd in any other Nation. And truly,
" when I conſider that our Countrymen are none of the worſt natur'd,
" I muſt confeſs I marvel much how it coms to paſs, that we ſhould
" uſe our Children as we do our Puppys; take one, lay it in the lap,
" feed it with every good bit, and drown five: nay yet worſe;
" foraſmuch as the Puppys are once drown'd, wheras the Children are
" left perpetually drowning. Really, my Lords, it is a flinty Cu-
" ſtom! And all this for his cruel Ambition, that would raiſe himſelf
" a Pillar, a golden Pillar for his Monument, tho he has Children, his
" own reviving Fleſh, and a kind of Immortality. And this is that
" intereſt of a Family, for which we are to think ill of a Govern-
" ment that will not indure it. But quiet ourſelves: The Land thro
" which the River *Nilus* wanders in one ſtream, is barren; but where
" it parts into ſeven, it multiplys its fertil ſhores by diſtributing, yet
" keeping and improving ſuch a Propriety and Nutrition, as is a pru-
" dent Agrarian to a well-order'd Commonwealth.

" NOR (to com to the fifth Aſſertion) is a political Body render'd
" any fitter for Induſtry, by having one gouty and another wither'd
" Leg, than a natural. It tends not to the improvement of Mer-
" chandize that there be ſom who have no need of their Trading, and
" others that are not able to follow it. If Confinement diſcourages
" Induſtry, an Eſtate in Mony is not confin'd; and leſt Induſtry
" ſhould want wherupon to work, Land is not ingroſt or intail'd
" upon any man, but remains at its devotion. I wonder whence the
" computation can ariſe, that this ſhould diſcourage Induſtry. Two
" thouſand Pounds a year a man may enjoy in *Oceana*, as much in
" *Panopea*, five hundred in *Marpeſia*: There be other Plantations, and
" the Commonwealth will have more. Who knows how far the
" Arms of our Agrarian may extend themſelves? and whether he
" that might have left a Pillar, may not leave a Temple of many
" Pillars to his more pious Memory? Where there is ſom meaſure in
" Riches, a man may be rich; but if you will have them to be in-
" finit, there will be no end of ſtarving himſelf, and wanting what he
" has: and what pains dos ſuch a one take to be poor! Furthermore,
" if a man ſhall think that there may be an Induſtry leſs greaſy, or
" more noble, and ſo caſt his thoughts upon the Commonwealth,
" he will have leiſure for her, and ſhe Riches and Honors for him;
" his Sweat ſhall ſmell like ALEXANDER'S. My Lord PHILAU-
" TUS is a young Man, who enjoying his ten thouſand Pounds a
" year, may keep a noble Houſe in the old way, and have homely
" Gueſts; and having but two, by the means propos'd, may take the
" upper hand of his great Anceſtors; with reverence to whom, I
" may ſay, there has not bin one of them would have diſputed his

" place

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" place with a *Roman* Conſul. My Lord, do not break my heart; " the Nobility ſhall go to no other Plows than thoſe which we " call our Conſuls. But, ſays he, it having bin ſo with *Lacedemon*, " that neither the City nor the Citizens were capable of increaſe, a " blow was given by that Agrarian, which ruin'd both. And what " are we concern'd with that Agrarian, or that blow, while our Citi- " zens and our City (and that by our Agrarian) are both capable of " increaſe? The *Spartan*, if he made a Conqueſt, had no Citizens to " hold it; the *Oceaner* will have enow: the *Spartan* could have no " Trade, the *Oceaner* may have all. The Agrarian in *Laconia*, that " it might bind on Knapſacs, forbidding all other Arts but that of " War, could not make an Army of above 30000 Citizens. The Agra- " rian in *Oceana* without interruption of Traffic, provides us in the " fifth part of the Youth an annual ſource or freſh ſpring of 100000, " beſides our Provincial Auxiliarys, out of which to draw marching " Armys; and as many Elders, not feeble, but men moſt of them in " the flower of their Age, and in Arms for the defence of our Ter- " ritorys. The Agrarian in *Laconia* baniſh'd Mony, this multiplys it: " That allow'd a matter of twenty or thirty Acres to a man; this " two or three thouſand: There is no compariſon between them. " And yet I differ ſo much from my Lord, or his Opinion that the " Agrarian was the ruin of *Lacedemon*, that I hold it no leſs than de- " monſtrable to have bin her main ſupport. For if, baniſhing all " other diverſions, it could not make an Army of above 30000; then " letting in all other diverſions, it muſt have broken that Army. " Wherfore LYSANDER bringing in the golden ſpoils of *Athens*, ir- " recoverably ruin'd that Commonwealth; and is a warning to us, " that in giving incouragement to Induſtry, we alſo remember, that " Covetouſneſs is the root of all Evil. And our Agrarian can never be " the cauſe of thoſe Seditions threaten'd by my Lord, but is the pro- " per cure of them, as * LUCAN notes well in the ſtate of *Rome* be- " fore the Civil Wars, which happen'd thro the want of ſuch an " Antidote.

" Why then are we miſtaken, as if we intended not equal advan- " tages in our Commonwealth to either Sex, becauſe we would not " have Womens Fortunes conſiſt in that metal, which expoſes them " to Cutpurſes? If a man cuts my Purſe, I may have him by the heels " or by the neck for it; wheras a man may cut a woman's purſe, " and have her for his pains in fetters. How brutiſh, and much more " than brutiſh, is that Commonwealth, which prefers the Earth be- " fore the fruits of the Womb? If the people be her Treaſure, the " ſtaff by which ſhe is ſuſtain'd and comforted, with what Juſtice can " ſhe ſuffer them, by whom ſhe is moſt inrich'd, to be for that cauſe " the moſt impoveriſh'd? And yet we ſee the gifts of God, and the " Bountys of Heaven in fruitful Familys, thro this wretched cuſtom " of marrying for Mony, becom their inſupportable grief and pover- " ty. Nor falls this ſo heavy upon the lower ſort, being better able " to ſhift for themſelves, as upon the Nobility or Gentry. For what " avails it in this caſe, from whence their Veins have deriv'd their

* Hinc uſura vorax, rapidumque in tempore Fœnus;
Hinc concuſſa fides, & multis utile bellum.

" Blood;

" Blood; while they ſhall ſee the Tallow of a Chandler ſooner convert-
" ed into that Beauty which is requir'd in a Bride? I appeal, whether
" my Lord PHILAUTUS or my ſelf be the Advocat of Nobility;
" againſt which in the caſe propos'd by me, there would be nothing
" to hold the balance. And why is a Woman, if ſhe may have but
" fifteen hundred pounds, undon? If ſhe be unmarry'd, what Noble-
" man allows his Daughter in that caſe a greater Revenu, than ſo
" much Money may command? And if ſhe marry, no Nobleman can
" give his Daughter a greater portion than ſhe has. Who is hurt in
" this caſe? nay, who is not benefited? If the Agrarian gives us the
" ſweat of our brows without diminution; if it prepares our Ta-
" ble, if it makes our Cup to overflow; and above all this, in pro-
" viding for our Children, anoints our Heads with that Oil which
" takes away the greateſt of worldly cares; what man, that is not be-
" ſotted with a Covetouſneſs as vain as endleſs, can imagin ſuch a
" Conſtitution to be his Poverty? ſeeing where no woman can be con-
" ſiderable for her portion, no portion will be conſiderable with a wo-
" man; and ſo his Children will not only find better preferments with-
" out his Brokage, but more freedom of their own Affections. We
" are wonderful ſevere in Laws, that they ſhall not marry without our
" conſent; as if it were care and tenderneſs over them: But is it not
" leſt we ſhould not have the other thouſand Pounds with this Son, or
" the other hundred Pounds a year more in Jointure for that Daugh-
" ter? Theſe, when we are croſt in them, are the Sins for which we
" water our couch with tears, but not of Penitence; ſeeing wheras it
" is a miſchief beyond any that we can do to our Enemys, we perſiſt
" to make nothing of breaking the affection of our Children. But
" there is in this Agrarian a Homage to pure and ſpotleſs Love, the con-
" ſequence wherof I will not give for all your Romances. An Alder-
" man makes not his Daughter a Counteſs till he has given her 20000 *l*,
" nor a Romance a conſiderable Miſtriſs till ſhe be a Princeſs; theſe
" are Characters of baſtard Love. But if our Agrarian excludes Am-
" bition and Covetouſneſs, we ſhall at length have the care of our
" own breed, in which we have bin curious as to our Dogs and Hor-
" ſes. The Marriage-Bed will be truly legitimat, and the Race of
" the Commonwealth not ſpurious.

" BUT *(impar magnanimis auſis, imparque dolori)* I am hurl'd from
" all my hopes by my Lord's laſt aſſertion of Impoſſibility, that the
" Root from whence we imagin theſe Fruits, ſhould be planted or
" thrive in this Soil. And why? becauſe of the Mixture of Eſtates,
" and variety of Tenures. Nevertheleſs, there is yet extant in the *Ex-*
" *chequer* an old Survey of the whole Nation; wherfore ſuch a thing
" is not impoſſible. Now if a new Survey were taken at the preſent
" rates, and the Law made, that no man ſhould hold hereafter above
" ſo much Land as is valu'd therein at 2000 *l.* a year, it would amount
" to a good and ſufficient Agrarian. It is true, that there would remain
" ſom difficulty in the different kind of Rents, and that it is a matter
" requiring not only more leiſure than we have, but an Authority
" which may be better able to bow men to a more general Conſent,
" than is to be wrought out of them by ſuch as are in our capacity.
" Wherfore, as to the manner, it is neceſſary that we refer it to the
" Parlament; but as to the matter, they cannot otherwiſe fix their
" Government upon the right Balance.

" I

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" I SHALL conclude with a few words to ſom parts of the " Order, which my Lord has omitted. As firſt to the Conſequences " of the Agrarian to be ſettled in *Marpeſia*, which irreparably breaks " the Ariſtocracy of that Nation; being of ſuch a nature, as ſtanding, " it is not poſſible that you ſhould govern. For while the People of " that Country are little better than the Cattel of the Nobility, you muſt " not wonder if according as theſe can make their Markets with foren " Princes, you find thoſe to be driven upon your Grounds. And if you " be ſo tender, now you have it in your power, as not to hold a hand " upon them that may prevent the ſlaughter which muſt otherwiſe in- " ſue in like caſes, the Blood will lie at your door. But in holding ſuch " a hand upon them, you may ſettle the Agrarian; and in ſettling the " Agrarian, you give that People not only Liberty, but Lands; which " makes your Protection neceſſary to their Security; and their Contri- " bution due to your Protection, as to their own Safety.

" FOR the Agrarian of *Panopea*, it allowing ſuch Proportions of ſo " good Land, men that conceive themſelves ſtraiten'd by this in *Oceana*, " will begin there to let themſelves forth, where every Citizen will in " time have his *Villa*. And there is no queſtion, but the improvement " of that Country by this means muſt be far greater than it has bin in " the beſt of former times.

" I HAVE no more to ſay, but that in thoſe antient and heroic " Ages (when men thought that to be neceſſary which was virtuous) " the Nobility of *Athens* having the People ſo much ingag'd in their " debt, that there remain'd no other queſtion among theſe, than " which of thoſe ſhould be King, no ſooner heard SOLON ſpeak " than they quitted their Debts, and reſtor'd the Commonwealth; " which ever after held a ſolemn and annual Feaſt call'd the *Siſacthia*, " or *Reciſion*, in memory of that Action. Nor is this example the " *Phœnix*; for at the inſtitution by LYCURGUS, the Nobility having " Eſtates (as ours here) in the Lands of *Laconia*, upon no other va- " luable conſideration than the Commonwealth propos'd by him, " threw them up to be parcel'd by his Agrarian. But now when no " man is deſir'd to throw up a farthing of his Mony, or a ſhovel full " of his Earth, and that all we can do is but to make a virtue of ne- " ceſſity; we are diſputing whether we ſhould have Peace or War: " For Peace you cannot have without ſom Government, nor any Go- " vernment without the proper Balance. Wherfore if you will not " fix this which you have, the reſt is Blood, for without Blood you " can bring in no other."

BY theſe Speeches made at the Inſtitution of the Agrarian, you may perceive what were the Grounds of it. The next is

THE fourteenth ORDER, *conſtituting the Ballot of* Venice, *as it is fitted by ſeveral Alterations, and appointed to every Aſſembly, to be the conſtant and only way of giving ſuffrage in this Commonwealth, according to the following Scheme.* 14. Order.

I

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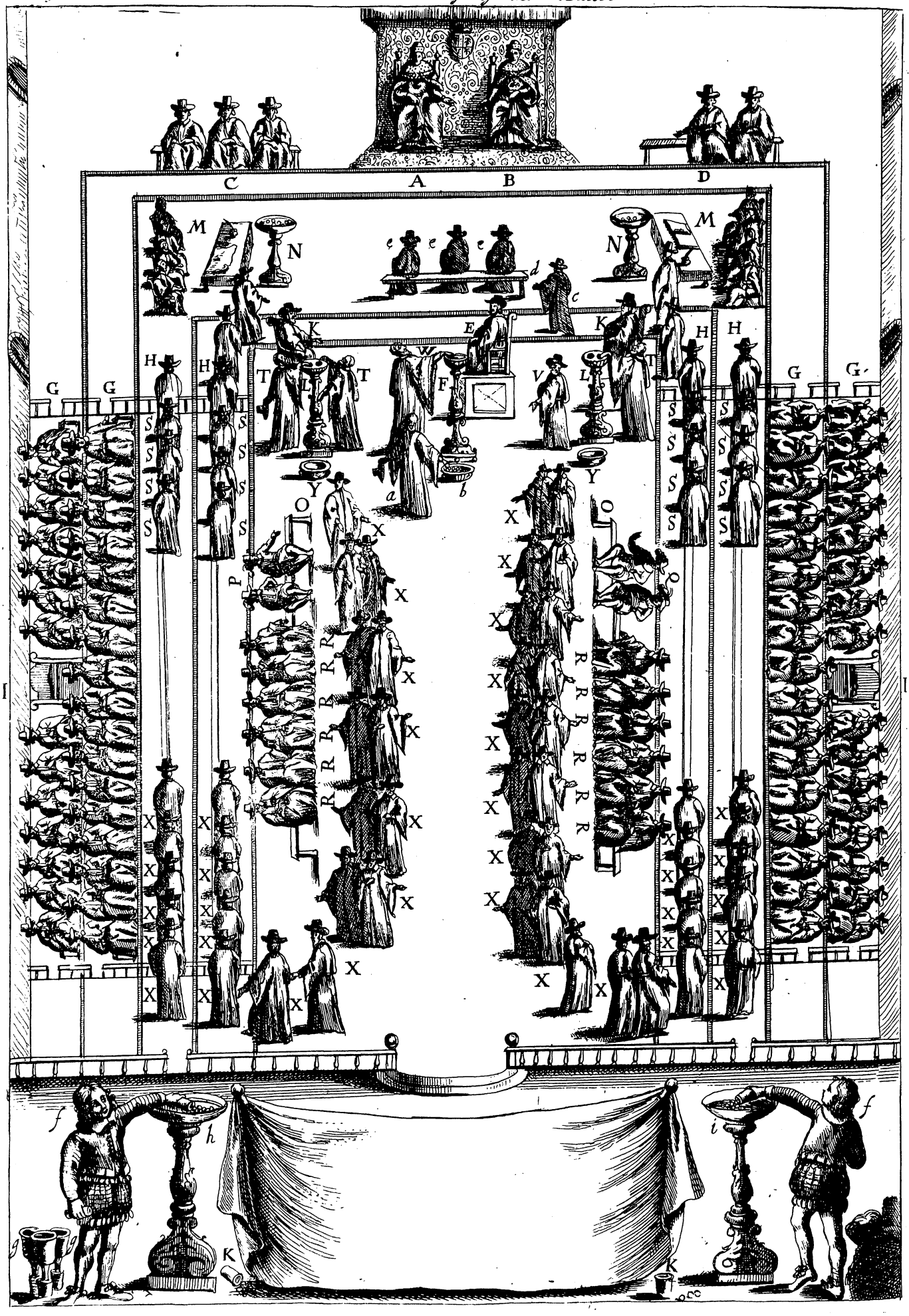

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I SHALL indeavour by the preceding Figure to demonſtrat the Manner of the *VENETIAN BALLOT* (a thing as difficult in diſcourſe or writing, as facil in practice) according to the uſe of it in *Oceana*. The whole Figure repreſents the Senat, containing, as to the Houſe or form of ſitting, a ſquare and a half; the Tribunal at the upper end being aſcended by four ſteps. On the uppermoſt of theſe ſit the Magiſtrats that conſtitute the Signory of the Commonwealth, that is to ſay, A the Strategus; B the Orator; C the three Commiſſioners of the Great Seal; D the three Commiſſioners of the Treaſury, wherof one, E, exerciſes for the preſent the Office of a Cenſor at the middle Urn F.

TO the two upper ſteps of the Tribunal anſwer G G. G G. the two long Benches next the Wall on each ſide of the Houſe; the outwardmoſt of which are equal in height to the uppermoſt ſtep, and the innermoſt equal in height to the next. Of theſe four Benches conſiſts the firſt Seat; as the ſecond Seat conſiſts in like manner of thoſe four Benches H H. H H. which being next the Floor, are equal in height to the two nethermoſt ſteps of the Throne. *So the whole Houſe is diſtributed into two Seats, each conſiſting of four Benches.*

THIS diſtribution cauſes not only the greater conveniency, as will be ſhewn, to the Senators in the exerciſe of their Function at the Ballot, but a greater grace to the aſpect of the Senat. In the middle of the outward benches ſtand I. I. the chairs of the Cenſors, thoſe being their ordinary places, tho upon occaſion of the Ballot they deſcend, and ſit where they are ſhewn by K. K. at each of the outward Urns L. L. Thoſe M. M. that ſit with their Tables, and the Bowls N. N. before them, upon the half ſpace or ſecond ſtep of the Tribunal from the floor, are the Clercs or Secretarys of the Houſe. Upon the ſhort Seats O. O. on the floor (which ſhould have bin repreſented by Woolſacks) ſit P the two Tribuns of the Horſe; Q the two Tribuns of the Foot; and RR. RR. the Judges: all which Magiſtrats are Aſſiſtants, but have no ſuffrage. This poſture of the Senat conſider'd, the Ballot is perform'd as follows.

FIRST, wheras the gold Balls are of ſeveral ſutes, and accordingly mark'd with ſeveral Letters of the Alphabet, a Secretary preſents a little Urn (wherin there is one Ball of every ſute or mark) to the Strategus and the Orator; and look what Letter the Strategus draws, the ſame and no other is to be us'd for that time in the middle Urn F; the like for the Letter drawn by the Orator is to be obſerv'd for the ſide Urns L. L. that is to ſay, if the Strategus drew a Ball with an *A*, all the gold Balls in the middle Urn for that day are mark'd with the Letter *A*; and if the Orator drew a *B*, all the gold Balls in the ſide Urn for that day are mark'd with the Letter *B*: which don immediatly before the Ballot, and ſo the Letter unknown to the Ballotants, they can uſe no fraud or jugling; otherwiſe a man might carry a gold Ball in his hand, and ſeem to have drawn it out of an Urn. He that draws a gold Ball at any Urn, delivers it to the Cenſor or Aſſeſſor of that Urn, who views the Character, and allows accordingly of his Lot.

THE Strategus and the Orator having drawn for the Letters, the Urns are prepar'd accordingly by one of the Commiſſioners and the

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two Cenſors. The preparation of the Urns is after this manner. If the Senat be to elect, for example, the Liſt call'd the *Tropic of Magiſtrats*, which is this;

1. *The Lord* STRATEGUS;
2. *The Lord* ORATOR;
3. *The third* COMMISSIONER *of the Great Seal*;
4. *The third* COMMISSIONER *of the Treaſury*;
5. *The firſt* CENSOR;
6. *The ſecond* CENSOR;

This Liſt or Schedule conſiſts of ſix Magiſtracys, and to every Magiſtracy there are to be four Competitors, that is, in all four and twenty Competitors propos'd to the Houſe. They that are to propoſe the Competitors are call'd Electors, and no Elector can propoſe above one Competitor: wherfore for the propoſing of four and twenty Competitors you muſt have four and twenty Electors; and wheras the Ballot conſiſts of a *Lot* and of a *Suffrage*, the Lot is for no other uſe than for the deſignation of Electors; and he that draws a gold Ball at the middle Urn is an Elector. Now, as to have four and twenty Competitors propos'd, you muſt have four and twenty Electors made; ſo to have four and twenty Electors made by lot, you muſt have four and twenty gold Balls in the middle Urn; and theſe (becauſe otherwiſe it would be no Lot) mix'd with a competent number of Blanks, or ſilver Balls. Wherfore to the four and twenty gold Balls caſt ſix and twenty ſilver ones, and thoſe (reckoning the Blanks with the Prizes) make fifty Balls in the middle Urn. This don (becauſe no man can com to the middle Urn that has not firſt drawn a gold Ball at one of the ſide Urns) and to be ſure that the Prizes or gold Balls in this Urn be all drawn, there muſt com to it fifty perſons: therfore there muſt be in each of the ſide Urns five and twenty gold Balls, which in both com to fifty; and to the end that every Senator may have his Lot, the gold Balls in the ſide Urns are to be made up with Blanks equal to the number of the Ballotants at either Urn: for example, the Houſe conſiſting of 300 Senators, there muſt be in each of the ſide Urns 125 Blanks and 25 Prizes, which com in both the ſide Urns to 300 Balls. This is the whole Myſtery of preparing the Urns, which the Cenſors having ſkill to do accordingly, the reſt of the Ballot, whether the partys balloting underſtand it or no, muſt of neceſſary conſequence com right; and they can neither be out, nor fall into any confuſion in the exerciſe of this Art.

BUT the Ballot, as I ſaid, is of two parts, *Lot* and *Suffrage*, or the *Propoſition* and *Reſult*. The Lot determins who ſhall propoſe the Competitors; and the Reſult of the Senat, which of the Competitors ſhall be the Magiſtrats. The whole, to begin with the Lot, procedes in this manner.

THE firſt Secretary with an audible Voice reads firſt the Liſt of the Magiſtrats to be choſen for the day; then the Oath for fair Election, at which the Senators hold up their hands; which don, another Secretary preſents a little Urn to the Strategus, in which are four Balls, each of them having one of theſe four Inſcriptions: *FIRST SEAT AT THE UPPER END. FIRST SEAT AT THE LOWER END. SECOND SEAT AT THE UPPER END.*

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END. SECOND SEAT AT THE LOWER END. And look which of them the Strategus draws, the Secretary pronouncing the Inſcription with a loud Voice, the Seat ſo call'd coms accordingly to the Urns: this in the Figure is the *SECOND SEAT AT THE UPPER END.* The manner of their coming to the ſide Urns is in double Files, there being two holes in the cover of each ſide Urn, by which means two may draw at once. The Senators therfore SS. SS. are coming from the upper end of their Seats HH. HH. to the ſide Urns L. L. The Senators TT. T. are drawing. The Senator V has drawn a gold Ball at his ſide Urn, and is going to the middle Urn F, where the Senator W having don the like at the other ſide Urn, is already drawing. But the Senators XX. XX. having drawn Blanks at their ſide Urns, and thrown them into the Bowls Y.Y. ſtanding at the feet of the Urns, are marching by the lower end into their Seats again; the Senator *a* having don the like at the middle Urn, is alſo throwing his blank into the Bowl *b*, and marching to his Seat again: for a man by a prize at a ſide Urn gains no more than right to com to the middle Urn, where if he draws a Blank, his Fortune at the ſide Urn comes to nothing at all; wherfore he alſo returns to his place. But the Senator *c* has had a Prize at the middle Urn, where the Commiſſioner having viewed his Ball, and found the mark to be right, he marches up the ſteps to the Seat of the Electors, which is the form *d* ſet croſs the Tribunal, where he places himſelf according as he was drawn with the other Electors *e e e* drawn before him. Theſe are not to look back, but ſit with their Faces towards the Signory or State, till their number amount to that of the Magiſtrats to be that day choſen, which for the preſent, as was ſhewn, are ſix; wherfore ſix Electors being made, they are reckon'd according as they were drawn: Firſt, ſecond, third, fourth, fifth, ſixth, in their Order; and the firſt ſix that are choſen are the *FIRST ORDER OF ELECTORS.*

THE firſt Order of Electors being made, are conducted by a Secretary with a copy of the Liſt to be choſen, out of the Senat, and into a Committee or Council-Chamber, being neither ſuffered by the way, nor in their room (till the Ballot be ended) to have conference with any but themſelves; wherfore the Secretary, having given them their Oath that they ſhall make Election according to the Law and their Conſcience, delivers them the Liſt, and ſeats himſelf at the lower end of the Table with his Pen and Paper, while another Secretary keeps the Door.

BY ſuch time as the firſt Order of Electors are thus ſeated, the ſecond Order of Electors is drawn, who with a ſecond Copy of the ſame Liſt are conducted into another Committee-chamber, by other Secretarys performing the ſame Office with the former.

THE like exactly is don by the third and by the fourth Orders (or *Hands*, as the *Venetians* call them) of Electors, by which means you have the four and twenty Electors divided according to the four Copys of the ſame Liſt, by ſix, into four Hands or Orders; and every one of theſe Orders names one Competitor to every Magiſtracy in the Liſt; that is to ſay, the firſt Elector names to the firſt Magiſtracy, the ſecond Elector to the ſecond Magiſtracy, and ſo forth. But tho the Electors, as has bin ſhewn, are choſen by mere lot, yet the Competitors by them nam'd are not cho-

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ſen by any Lot, but by the Suffrage of the whole Order: For example; The firſt Elector in the firſt Order propoſes a Name to be Strategus, which Name is balloted by himſelf and the other five Electors: and if the Name ſo balloted attain not to above half the Suffrages, it is laid aſide, and the firſt Elector names another to the ſame Magiſtracy; and ſo in caſe this alſo fails, another, till one he has nam'd, whether it be himſelf, or ſom other, has attained to above half the Suffrages in the affirmative; and the name ſo attaining to above half the Suffrages in the Affirmative is written to the firſt Magiſtracy in the Liſt by the Secretary; which being don, the ſecond Elector of the firſt Order names to the ſecond Magiſtracy till one of his nomination be choſen to the ſame. The like is don by the reſt of the Electors of the firſt Order, till one Competitor be choſen, and written to every Magiſtracy in their Liſt. Now the ſecond, third, and fourth Orders of Electors doing exactly after the ſame manner, it coms to paſs that one Competitor to every Magiſtracy being choſen in each Order, there be in all four Competitors choſen to every Magiſtracy.

IF any Controverſy ariſes in an Order of Electors, one of the Cenſors (theſe being at this game the Groomporters) is advertis'd by the Secretary, who brings him in, and the Electors, diſputing are bound to acquieſce in his Sentence. For which cauſe it is that the Cenſors do not ballot at the Urns; the Signory alſo abſtains, leſt it ſhould deform the Houſe: wherfore the Blanks in the ſide Urns are by ſo many the fewer. And ſo much for the Lot, which is of the greater Art but leſs Conſequence, becauſe it concerns *Propoſition* only: But all, (except the Tribuns and the Judges, which being but Aſſiſtants have no Suffrage) are to ballot at the *Reſult*, to which I now com.

THE four Orders of Electors having perfected their Liſts, the face of the Houſe is chang'd: for the Urns are taken away, and every Senator and Magiſtrat is ſeated in his proper place, ſaving the Electors, who, having given their Suffrages already, may not ſtir out of their chambers till the Houſe have given theirs, and the reſt of the Ballot be perform'd; which follows in this manner.

THE four Liſts being preſented by the Secretarys of each Council of Electors to the Signory, are firſt read, according to their Order, to the Houſe with an audible Voice; and then the Competitors are put to the Ballot or Suffrage of the whole Senat in this manner: *A. A.* nam'd to be Strategus in the firſt Order; wherupon eight Ballotins or Pages, ſuch as are expreſs'd by the Figures *f. f.* take eight of the Boxes repreſented, tho rudely, by the Figures, *g. g.* and go four on the one, and four on the other ſide of the Houſe, that is, one to every Bench, ſignifying *A. A. nàm'd to be the Strategus in the firſt Order*: and every Magiſtrat or Senator (beginning by the Strategus and the Orator firſt) holds up a little Pellet of Linen, as the Box paſſes, between his Finger and his Thumb, that men may ſee he has but one, and then puts it into the ſame. The Box conſiſting in the inner part of two Boxes, being painted on the outſide white and green, to diſtinguiſh the Affirmative from the Negative ſide, is ſo made, that when your Hand is in it, no man can ſee to which of the ſides you put the Suffrage, nor hear to which it falls, becauſe the Pellet being Linen, makes no noiſe. The Strategus and the Orator having begun, all the reſt do the like.

THE Ballotins having thus gather'd the Suffrages, bring them before

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before the Signory, in whoſe preſence the outward Boxes being open'd, they take out the inner Boxes, wherof the Affirmative is white, and the Negative green, and pour the white in the Bowl N on the right hand, which is white alſo, and the green into the Bowl N on the left, which is alſo green. Theſe Bowls or Baſons (better repreſented at the lower end of the Figure by *h. i.*) being upon this occaſion ſet before the Tables of the Secretarys at the upper end N. N. the white on the right hand, and the green on the left, the Secretarys on each ſide number the Balls: by which if they find that the Affirmatives amount not to above one half, they write not the Name that was balloted; but if they amount to above one half, they write it, adding the number of above half the Suffrages to which it attain'd. The firſt Name being written, or laid aſide, the next that is put is B.B. nam'd to be Strategus in the ſecond Order; the third C. C. nam'd to be Strategus in the third Order; the fourth D.D. nam'd to be Strategus in the fourth Order: and he of theſe four Competitors that has moſt above half in the Affirmative, is the Magiſtrat; or if none of them attain to above half, the nomination for that Magiſtracy is to be repeated by ſuch new Electors as ſhall be choſen at the next Ballot. And ſo, as is exemplify'd in the firſt Magiſtracy, proceeds the Ballot of the reſt; firſt in the firſt, then in the ſecond, and ſo in the third and fourth Orders.

NOW wheras it may happen that A. A. (for example) being nam'd Strategus in the firſt Order, may alſo be nam'd to the ſame or ſom one or more other Magiſtracys in one or more of the other Orders; his name is firſt balloted where it is firſt written, that is to the more worthy Magiſtracy, wherof if he miſſes, he is balloted as it coms in courſe for the next, and ſo for the reſt, if he miſſes of that, as often as he is nam'd.

AND becauſe to be nam'd twice, or oftner, whether to the ſame or ſom other Magiſtracy, is the ſtronger recommendation; the note muſt not fail to be given upon the name, at the propoſition in this manner; A.A. *nam'd to be Strategus in the firſt, and in the ſecond Order:* or A.A. *nam'd to be Strategus in the firſt and the third; in the firſt and the fourth*, &c. But if he be nam'd to the ſame Magiſtracy in the firſt, ſecond, third, and fourth Orders, he can have no Competitor; wherfore attaining to above half the Suffrages, he is the Magiſtrat. Or thus: A.A. *nam'd to be Strategus in the firſt, to be Cenſor in the ſecond, to be Orator in the third, and to be Commiſſioner of the Seal in the fourth Order*, or the like in more or fewer Orders: In which caſes if he miſſes of the firſt Magiſtracy, he is balloted to the ſecond; if he miſſes of the ſecond, to the third; and if he miſſes of the third, to the fourth.

THE Ballot not finiſh'd before Sunſet, tho the Election of the Magiſtrats already choſen be good, voids the Election of ſuch Competitors as being choſen are not yet furniſh'd with Magiſtracys, as if they had never bin nam'd (for this is no Jugling Box, but an Art that muſt ſee the Sun) and the Ballot for the remaining Magiſtracys is to be repeated the next day by new Orders of Electors, and ſuch Competitors as by them ſhall be elected. And ſo in the like manner, if of all the names propos'd to the ſame Magiſtracy, no one of them attains to above half the Suffrages in the Affirmative.

THE Senatorian Ballot of *Oceana* being thus deſcrib'd, thoſe of the Pariſh, of the Hundred, and of the Tribe, being ſo little different, that in this they are all contain'd, and by this may be eaſily underſtood,

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are yet fully deſcrib'd, and made plain enough before in the *5th*, *6th*, *7th*, *8th*, *9th*, and *10th* Orders.

THIS therfore is the general Order, whence thoſe branches of the Ballot, ſom wherof you have already ſeen, are deriv'd; which, with thoſe that follow were all read and debated in this place at the Inſtitution. When my Lord EPIMONUS DE GARRULA, being one of the Counſellors, and having no farther patience (tho the Rulers were compos'd by the Agent of this Commonwealth, reſiding for that purpoſe at *Venice*) than to hear the direction for the Pariſhes, ſtood up and made way for himſelf in this manner.

May it pleaſe your Highneſs, my Lord ARCHON,

" UNDER correction of Mr. PEREGRIN SPY, our very learn'd " Agent and Intelligencer, I have ſeen the World a little, " *Venice*, and (as Gentlemen are permitted to do) the Great Coun- " cil balloting. And truly I muſt needs ſay, that it is for a dumb ſhew " the goodlieſt that I ever beheld with my eys. You ſhould have ſom " would take it ill, as if the noble *Venetians* thought themſelves too " good to ſpeak to ſtrangers, but they obſerv'd them not ſo narrowly. " The truth is, they have nothing to ſay to their Acquaintance; or " Men that are in Council ſure would have Tongues: For a Council, " and not a word ſpoken in it, is a contradiction. But there is ſuch a " pudder with their marching and countermarching, as, tho never a " one of them draw a Sword, you would think they were training; " which till I found that they did it only to entertain ſtrangers, I came " from among them as wiſe as I went thither. But in the Parlament " of *Oceana* you had no Balls nor Dancing, but ſober Converſation; " a man might know and be known, ſhew his parts, and improve " 'em. And now if you take the advice of this ſame fellow, you will " ſpoil all with his whimſys. *Mr. Speaker*,——Cry you mercy, my " Lord ARCHON, I mean; Set the wiſeſt man of your Houſe in " the Great Council of *Venice*, and you will not know him from a " fool. Wheras nothing is more certain, than that flat and dull fel- " lows in the judgment of all ſuch as us'd to keep company with them " before, upon election into our Houſe, have immediatly chitted like " Barley in the fat, where it acquires a new Spirit, and flow'd forth in- " to Language, that I am as confident as I am here, if there were not " ſuch as delight to abuſe us, is far better than TULLY'S; Or, let any " body but tranſlate one of his Orations, and ſpeak it in the Houſe, " and ſee if every body do not laugh at him. This is a great matter, " *Mr. Speaker*; they do not cant it with your Booklearning, your Orbs, " your Centers, your prime Magnitudes, and your Nebulones, things " I profeſs that would make a ſober man run ſtark mad to hear 'em; " while we, who ſhould be conſidering the Honor of our Country, " and that it gos now or never upon our hand, whether it ſhall be ri- " diculous to all the World, are going to Nineholes, or trow Madam " for our buſineſs, like your dumb *Venetian*, whom this ſame Sir " POLITIC your Reſident, that never ſaw him do any thing but " make faces, would inſinuat into you, at this diſtance, to have the " only knack of State. Wheras if you ſhould take the pains, as I have " don, to look a little nearer, you would find theſe ſame wonderful

" things

" things to be nothing elſe but mere natural Fopperys, or *Capricios*, as " they call them in *Italian*, even of the meaneſt of that Nation. For, " put the caſe you be travelling in *Italy*, ask your *Contadino*, that is, " the next Country-fellow you meet, ſom queſtion, and preſently he " ballots you an anſwer with a nod, which is affirmative; or a ſhake " with his head, which is the negative box; or a ſhrug with his " ſhoulder, which is the *Boſſolo di non ſinceri*.——Good! You will " admire SANDS for telling you, that *Grotta di Cane* is a Miracle: " and I ſhall be laugh'd at for aſſuring you, that it is nothing elſe but " ſuch a damp (continu'd by the neighborhood of certain Sulphur " Mines) as thro accidental heat dos ſomtimes happen in our Coalpits. " But Ingratitude muſt not diſcorage an honeſt man from doing good. " There is not, I ſay, ſuch a tongue-ty'd Generation under Heaven " as your *Italian*; that you ſhould not wonder if he make ſigns. But " our People muſt have ſomthing in their Diurnals, we muſt ever " and anon be telling 'em our minds; or if we be at it when we raiſe " Taxes, like thoſe Gentlemen with the finger and the thumb, they " will ſwear that we are Cutpurſes.—Com, I know what I have heard " 'em ſay, when ſom men had mony that wrought hard enough for " it; and do you conceive they will be better pleas'd when they ſhall " be told, that upon like occaſions you are at mumchance or ſtoolball? " I do not ſpeak for my ſelf; for tho I ſhall always acknowlege, that " I got more by one year's ſitting in the Houſe, than by my three years " Travels, it was not of that kind. But I hate that this ſame SPY, " for pretending to have play'd at Billiards with the moſt Serene Com- " monwealth of *Venice*, ſhould make ſuch fools of us here, when I " know that he muſt have had his intelligence from ſom Corncutter " upon the *Rialta*; for a noble *Venetian* would be hang'd if he ſhould " keep ſuch a fellow company. And yet if I do not think he has made " you all dote, never truſt me, my Lord ARCHON is ſomtimes in " ſuch ſtrange Raptures. Why, good my Lord, let me be heard as " well as your Apple Squire; *Venice* has freſh blood in her Cheeks, I " muſt confeſs, yet ſhe is but an old Lady. Nor has he pick'd her Ca- " binet; theſe he ſends you are none of her Receits I can aſſure you, " he bought them for a *Julio* at *St. Marc's* of a Mountebank. She has " no other waſh, upon my knowlege, for that ſame envy'd Complexion " of hers but her *Marſhes*, being a little better ſcented, ſaving your " preſence, than a Chamberpot. My Lords, I know what I ſay, but " you will never have don with it, That neither the great *Turc*, nor " any of thoſe little *Turcs* her Neighbors, have bin able to ſpoil her! " Why you may as well wonder that Weeſels do not ſuck egs in " Swans neſts. Do you think that it has lain in the devotion of her " Beads; which you that have puk'd ſo much at Popery, are now " at length reſolv'd ſhall conſecrat *M. Parſon*, and be drop'd by every " one of his Congregation, while thoſe ſame whimſical Intelligen- " ces your Surveyors (you will break my heart) give the turn to " your *primum mobile?* and ſo I think they will; for you will find, " that Mony is the *primum mobile*, and they will turn you thus out of " ſom three or four hundred thouſand Pounds: a pretty Sum for " Urns and Balls, for Boxes and Pills, which theſe ſame Quackſalvers " are to adminiſter to the Pariſhes; and for what Diſeaſe I marvel! " Or how dos it work? Out coms a Conſtable, an Overſeer, and a " Churchwarden! *Mr. Speaker*, I am amaz'd!

NEVER

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NEVER was there Gooſe ſo ſtuck with Lard as my Lord EPIMONUS's Speech with Laughter; the ARCHON having much ado to recover himſelf, in ſuch manner as might inable him to return theſe thanks.

" IN your whole lives, my Lords, were you never entertain'd " with ſo much Ingenuity; my Lord EPIMONUS having at " once mended all the faults of Travellers. For, firſt, wheras " they are abominable lyars, he has not told you (except ſom mali- " cious body has miſinform'd him concerning poor SPY) one ſyllable " of falſhood. And, ſecondly, wheras they never fail to give the " upper hand in all their Diſcourſes to foren Nations, ſtill juſtling their " own into the kennel; he bears an Honor to his Country that " will not diſſolve in *Cephalonia*, nor be corrupted with Figs " and Melons, which I can aſſure you is no ordinary obligation: " And therfore hold it a matter of public concern, that we be no " occaſion of quenching my Lord's Affections; nor is there any " ſuch great matter between us, but in my opinion might be eaſily " reconcil'd: for tho that which my Lord gain'd by ſitting in the " Houſe, I ſtedfaſtly believe, as he can affirm, was got fairly; " yet dare I not, nor do I think, that upon conſideration he will " promiſe ſo much for other Gameſters, eſpecially when they were " at it ſo high, as he intimats not only to have bin in uſe, but to " be like enough to com about again. Wherfore, ſay I, let them " throw with boxes; for unleſs we will be below the Politics of " an ordinary, there is no ſuch bar to cogging. It is known to " his Lordſhip, that our Game is *moſt at a throw*, and that every " caſt of our Dice is in our Suffrages; nor will he deny, that partiality " in a Suffrage is downright cogging. Now if the *Venetian* Boxes be " the moſt ſoverain of all Remedys againſt this ſame cogging, is it not " a ſtrange thing that they ſhould be thrown firſt into the fire by " a fair Gameſter? Men are naturally ſubject to all kinds of Paſ- " ſions: Som you have that are not able to withſtand the brow " of an Enemy; and others that make nothing of this, are leſs " proof againſt that of a Friend. So that if your Suffrage be bare- " fac'd, I dare ſay you ſhall not have one fair caſt in twenty. But " whatever a man's fortune be at the box, he neither knows whom " to thank, nor whom to challenge. Wherfore (that my Lord may " have a charitable opinion of the choice Affection which I confeſs " to have, above all other Beautys, for that of incomparable *Venice*) " there is in this way of Suffrage no leſs than a demonſtration that " it is the moſt pure: and the purity of the Suffrage in a popular Go- " vernment is the Health, if not the Life of it; ſeeing the Soul is no " otherwiſe breath'd into the Soverain Power, than by the Suffrage " of the People. Wherfore no wonder if POSTELLUS be of " opinion, that this uſe of the Ball is the very ſame with that " of the Bean in *Athens*; or, that others, by the Text concerning " ELDAD and MEDAD, derive it from the Commonwealth of *Iſ-* " *rael*. There is another thing, tho not ſo material to us, that my " Lord will excuſe me if I be not willing to yield, which is, that *Ve-* " *nice* ſubſiſts only by her Situation. It is true, that a man in time of " War may be more ſecure from his Enemys by being in a Citadel, " but not from his Diſeaſes: wherfore the firſt cauſe, if he lives long,

" is

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" is his good Conſtitution, without which his Citadel were to little " purpoſe; and it is not otherwiſe with *Venice*.

WITH this Speech of the ARCHON I conclude the proof of the Agrarian, and the Ballot, being the Fundamental Laws of this Commonwealth; and com now from the Center to the Circumferences or Orbs, wherof ſom have bin already ſhewn: As how the Pariſhes annually pour themſelves into the Hundreds, the Hundreds into the Tribes, and the Tribes into the Galaxys; the Annual Galaxy of every Tribe conſiſting of two Knights and ſeven Deputys, wherof the Knights conſtitute the Senat; the Deputys, the Prerogative Tribe, commonly call'd the *People*; and the Senat and People conſtitute the Soverain Power or Parlament of *Oceana*. Wherof to ſhew what the Parlament is, I muſt firſt open the Senat, and then the Prerogative Tribe.

The Face of the Senat.

TO begin with the Senat, of which (as a Man is differently repreſented by a Picturedrawer, and by an Anatomiſt) I ſhall firſt diſcover the Face or Aſpect, and then the Parts, with the uſe of them. Every Monday morning in the Summer at ſeven, and in the Winter at eight, the great Bell in the Clockhouſe at the *Pantheon* begins, and continues ringing for the ſpace of one hour: in which time the Magiſtrats of the Senat, being attended according to their Quality, with a reſpective number of the Ballotins, Doorkeepers, and Meſſengers; and having the Enſigns of their Magiſtracys born before them, as the Sword before the Strategus, the Mace before the Orator, a Mace with the Seal before the Commiſſioners of the Chancery, the like with the Purſe before the Commiſſioners of the Treaſury; and a Silver Wand, like thoſe in uſe with the Univerſitys, before each of the Cenſors, being Chancellors of the ſame. Theſe with the Knights, in all three hundred, aſſemble in the Houſe or Hall of the Senat.

THE Houſe or Hall of the Senat, being ſituated in the *Pantheon* or Palace of Juſtice, is a Room conſiſting of a Square and a half. In the middle of the lower end is the Door; at the upper end hangs a rich State overſhadowing the greater part of a large Throne, or half pace of two Stages; the firſt aſcended by two ſteps from the floor, and the ſecond about the middle riſing two ſteps higher. Upon this ſtand two Chairs, in that on the right hand ſits the Strategus, in the other the Orator, adorn'd with Scarlet Robes, after the faſhion that was us'd by the Dukes in the Ariſtocracy. At the right end of the upper Stage ſtand three Chairs, in which the three Commiſſioners of the Seal are plac'd; and at the other end ſit the three Commiſſioners of the Treaſury, every one in a Robe or Habit like that of the Earls. Of theſe Magiſtrats of this upper Stage conſiſts the Signory. At either end of the lower Stage ſtands a little Table, to which the Secretarys of the Senat are ſet with their tufted Sleeves in the habit of civil Lawyers. To the four ſteps, wherby the two Stages of the Throne are aſcended, anſwer four long Benches, which ſucceſſively deriving from every one of the ſteps, continue their reſpective height, and extend themſelves by the ſide Walls towards the lower end of the Houſe, every Bench being divided by numeral Characters into the thirty ſeven parts or places. Upon the upper benches ſit the Cenſors in the Robes of Barons; the firſt in the middle of the right hand bench, and the ſecond directly oppoſit to him on the other ſide. Upon the reſt of the Benches ſit the Knights, who if they be call'd to the Urns, diſtributing

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themſelves by the Figures, com in equal files, either by the firſt Seat, which conſiſts of the two upper Benches on either ſide; or by the ſecond Seat, conſiſting of the two lower Benches on either ſide: beginning alſo at the upper, or at the lower ends of the ſame, according to the Lot wherby they are call'd; for which end the Benches are open, and aſcended at either end with eaſy ſtairs and large paſſages. The reſt of the Ballot is conformable to that of the Tribe; the Cenſors of the Houſe ſitting at the ſide Urn, and the youngeſt Magiſtrat of the Signory at the middle: the Urns being plac'd before the Throne, and prepar'd according to the number of the Magiſtrats to be at that time choſen by the Rules already given to the Cenſors of the Tribes. But before the Benches of the Knights on either ſide ſtands one being ſhorter; and at the upper end of this ſit the two Tribuns of the Horſe. At the upper end of the other, the two Tribuns of the Foot in their Arms; the reſt of the Benches being cover'd by the Judges of the Land in their Robes. But theſe Magiſtrats have no Suffrage, nor the Tribuns, tho they derive their preſence in the Senat from the *Romans*; nor the Judges, tho they derive theirs from the antient Senat of *Oceana*. Every Monday this Aſſembly ſits of courſe; at other times, if there be occaſion, any Magiſtrat of the Houſe by giving order for the Bell, or by his Lictor or Enſignbearer, calls a Senat. And every Magiſtrat or Knight during his Seſſion has the Title, Place and Honor, of a Duke, Earl, Baron, or Knight, reſpectively. And every one that has born the ſame Magiſtracy by his third Seſſion, has his reſpective Place and Title during the term of his Life, which is all the Honor confer'd by this Commonwealth, except upon the Maſter of the Ceremonys, the Maſter of the Horſe, and the King of the Heralds, who are Knights by their places. And thus you have the face of the Senat, in which there is ſcarce any Feature that is not *Roman* or *Venetian*; nor do the Horns of the Creſcent extend themſelves much unlike thoſe of the *Sanhedrim*, on either hand of the Prince, and of the Father of that Senat. But upon Beauty, in which every Man has his phanſy, we will not otherwiſe philoſophize than to remember that there is ſomthing more than decency in the Robe of a Judg, that would not be well ſpar'd from the Bench; and that the graveſt Magiſtrat, to whom you can commit the Sword of Juſtice, will find a quickneſs in the Spurs of Honor, which if they be not laid to Virtue, will lay themſelves to that which may rout a Commonwealth.

Conſtitution of the Senat. TO com from the Face of the Senat, to the Conſtitution and Uſe of the Parts; It is contain'd in the peculiar Orders. And the Orders which are peculiar to the Senat, are either of Election or Inſtruction.

ELECTIONS in the Senat are of three ſorts, Annual, Biennial, and Extraordinary.

ANNUAL Elections are performed by the Schedule call'd the *Tropic*: And the Tropic conſiſts of two parts; the one containing the Magiſtrats, and the other the Councils to be yearly elected. The Schedule or Tropic of the Magiſtrats is as follows in

15. Order. *Tropic of the Magiſtrats.* THE fifteenth ORDER, requiring, *That upon every Monday next inſuing the laſt of* March, *the Knights of the Annual Galaxys taking their places in the Senat, be call'd the third Region of the ſame; and that the Houſe having diſmiſs'd the firſt Region, and receiv'd the third, procede to election of the Magiſtrats contain'd in the firſt part of the Tropic, by the inſuing Schedule:*

The

The Lord Strategus,
The Lord Orator,
The first Censor,
The second Censor,
} *Annual Magistrats.*

The third Commissioner of the Seal,
The third Commissioner of the Treasury,
} *Triennial Magistrats.*

THE Annual Magistrats (provided that no one Man bears above one of those Honors during the term of one Session) may be elected out of any Region. But the Triennial Magistrats may not be elected out of any other than the third Region only, lest the term of their Session expire before that of their Honor; and (it being unlawful for a Man to bear Magistracy any longer than he is therto qualify'd by the Election of the People) cause a Fraction in the Rotation of this Commonwealth.

THE Strategus *is first President of the Senat, and General of the Army, if it be commanded to march; in which case there shall be a second* Strategus *elected to be first President of the Senat, and General of the second Army: and if this also be commanded to march, a third* Strategus *shall be chosen; and so on, as long as the Commonwealth sends forth Armys.* Of the Strategus.

THE Lord Orator *is the second and more peculiar President of the Senat to whom it appertains to keep the House to Orders.* Of the Orator.

THE Censors, *wherof the first by consequence of his Election is Chancellor of the University of* Clio, *and the second of that of* Calliope, *are Presidents of the Council for Religion and Magistrats, to whom it belongs to keep the House to the Order of the Ballot. They are also Inquisitors into the ways and means of acquiring Magistracy; and have power to punish indirect procedings in the same, by removing a Knight or Magistrat out of the House, under appeal to the Senat.* Of the Censors.

THE Commissioners of the Seal being three, wherof the third is annually chosen out of the third Region, are Judges in Chancery. Of the Commissioners of the Seal.

THE Commissioners of the Treasury being three, wherof the third is annually chosen out of the third Region, are Judges in the Exchequer; and every Magistrat of this Schedule has right to propose to the Senat. Of the Commissioners of the Treasury.

BUT the Strategus *with the six Commissioners, are the* Signory *of this Commonwealth, having right of Session and Suffrage in every Council of the Senat, and Power either jointly or severally to propose in all or any of them.* Of the Signory.

I HAVE little in this Order to observe and prove, but that the *Strategus* is the same Honor both in name and thing that was born, among others, by PHILOPEMEN and ARATUS in the Commonwealth of the *Achæans*; the like having bin in use also with the *Ætolians*. The *Orator*, call'd otherwise the *Speaker*, is with small alteration the same that had bin of former use in this Nation. These two, if you will, may be compar'd to the Consuls in *Rome*, or the Suffetes in *Carthage*; for their Magistracy is scarce different.

THE Censors derive their power of removing a Senator from those of *Rome*; the Government of the Ballot, from those of *Venice*; and

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that of Animadverſion upon the *Ambitus*, or canvaſs for Magiſtracy from both.

THE *Signory*, with the whole Right and Uſe of that Magiſtracy, to be hereafter more fully explain'd, is almoſt purely *Venetian*.

THE ſecond part of the Tropic is directed by

16. Order, *Conſtitution of the Councils.*

THE ſixteenth ORDER, *wherby the Conſtitution of the Councils, being four, that is to ſay, the Council of State, the Council of War, the Council of Religion, and the Council of Trade, is render'd conformable in their Revolutions to that of the Senat. As, firſt, by the annual Election of five Knights out of the firſt Region of the Senat into the Council of State, conſiſting of fifteen Knights, five in every Region. Secondly, By the annual Election of three Knights out of the third Region of the Council of State, to be propos'd by the Provoſts, and elected by that Council, into the Council of War, conſiſting of nine Knights, three in every Region, not excluded by this Election from remaining Members alſo of the Council of State. The four Tribuns of the People have right of Seſſion and Suffrage in the Council of War. Thirdly, By the annual Election of four Knights out of the third Region of the Senat into the Council of Religion, conſiſting of twelve Knights, four in every Region: Of this Council the Cenſors are Preſidents. Fourthly, By the annual Election of four Knights out of the third Region of the Senat into the Council of Trade, conſiſting of twelve Knights, four in every Region. And each Region, in every one of theſe Councils thus conſtituted, ſhall weekly and interchangeably elect one Provoſt, whoſe Magiſtracy ſhall continue for one Week; nor ſhall he be reelected into the ſame, till every Knight of that Region in the ſame Council has once born the ſame Magiſtracy. And the Provoſts being one in every Region, three in every Council, and twelve in all, beſide their other Capacitys, ſhall aſſemble and be a Council, or rather an Academy apart, to certain ends and purpoſes to be hereafter further explain'd with thoſe of the reſt of the Councils.*

Of the Council of State.

Of the Council of War.

Of the Council of Religion.

Of the Council of Trade.

Of the Provoſts.

Of the Council of the Provoſts.

THIS Order is of no other Uſe than the frame and turn of the Councils, and yet of no ſmall one: for in Motion conſiſts Life; and the Motion of a Commonwealth will never be current, unleſs it be circular. Men that, like my Lord EPIMONUS, not enduring the reſemblance of this kind of Government to Orbs and Spheres, fall on phyſicing and purging it, do no more than is neceſſary; for if it be not in Rotation both as to Perſons and Things, it will be very ſick. The People of *Rome*, as to Perſons, if they had not bin taken up by the Wheel of Magiſtracy, had overturn'd the Chariot of the Senat. And thoſe of *Lacedemon*, as to Things, had not bin ſo quiet when the Senat traſh'd their Buſineſs, by incroaching upon the Reſult, if by the Inſtitution of the *Ephors* they had not brought it about again. So that if you allow not a Commonwealth her Rotation, in which conſiſts her Equality, you reduce her to a Party, and then it is neceſſary that you be Phyſicians indeed, or rather Farriers; for you will have ſtrong Patients, and ſuch as muſt be halter'd and caſt, or your ſelves may need Boneſetters. Wherfore the Councils of this Commonwealth, both in regard of their Elections, and, as will be ſhewn, of their Affairs, are uniform with the Senat in their Revolutions; not as Whirlpits to ſwallow, but to bite, and with the Scrues of their Rotation to hold and turn a Buſineſs (like the Vice of a Smith) to the Hand

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Hand of the Workman. Without Engins of which nature it is not poſſible for the Senat, much leſs for the People, to be perfect Artificers in a political Capacity. But I ſhall not hold you longer from

17. Order. *Conſtitution of the biennial Election or Orb of Ambaſſadors in ordinary.*

THE ſeventeenth ORDER, *directing biennial Elections, or the Conſtitution of the Orb of Ambaſſadors in ordinary, conſiſting of four Reſidences, the Revolution wherof is perform'd in eight years, and preſerv'd thro the Election of one Ambaſſador in two years by the Ballot of the Senat to repair to the Court of* France, *and reſide there for the term of two years; and the term of two years being expir'd, to remove from thence to the Court of* Spain, *there to continue for the ſpace of two years, and thence to remove to the State of* Venice; *and after two years reſidence in that City, to conclude with his reſidence at* Conſtantinople *for a like term of time, and ſo to return. A Knight of the Senat, or a Deputy of the Prerogative, may not be elected Ambaſſador in Ordinary, becauſe a Knight or Deputy ſo choſen, muſt either loſe his Seſſion, which would cauſe an unevenneſs in the motion of this Commonwealth, or accumulat Magiſtracy, which agrees not with the equality of the ſame. Nor may any Man be elected into this Capacity that is above five and thirty years of Age, leſt the Commonwealth loſe the charge of his Education, by being depriv'd at his return of the Fruit of it, or elſe injoy it not long thro the defects of Nature.*

THIS Order is the Perſpective of the Commonwealth, wherby ſhe foreſees; Danger or the Traffic, wherby ſhe receives every two years the return of a Stateſman inrich'd with eight years experience, from the prime Marts of Negotiation in *Europe*. And ſo much for the Elections in the Senat that are ordinary; ſuch as are extraordinary follow in

18. Order. *Conſtitution of Election Extraordinary, or by the Scrutiny.*

THE eighteenth ORDER, *appointing all Elections upon emergent occaſions, except that of the Dictator, to be made by the Scrutiny, or that kind of Election, wherby a Council coms to be a fifth Order of Electors. For Example, if there be occaſion of an Ambaſſador Extraordinary, the Provoſts of the Council of State, or any two of them ſhall propoſe to the ſame, till one Competitor be choſen by that Council: and the Council having choſen a Competitor, ſhall bring his name into the Senat, which in the uſual way ſhall chuſe four more Competitors to the ſame Magiſtracy; and put them, with the Competitor of the Council, to the Ballot of the Houſe, by which he of the five that is choſen is ſaid to be elected by the Scrutiny of the Council of State. A Vice-Admiral, a Polemarch, or Field Officer, ſhall be elected after the ſame manner, by the Scrutiny of the Council of War. A Judg or Serjeant at Law, by the Scrutiny of the Commiſſioners of the Seal. A Baron, or conſiderable Officer of the Exchequer, by the Scrutiny of the Commiſſioners of the Treaſury. Men in Magiſtracy, or out of it, are equally capable of Election by the Scrutiny; but a Magiſtrat or Officer elected by the Scrutiny to a military Imployment, if he be neither a Knight of the Senat, nor a Deputy of the Prerogative, ought to have his Office confirm'd by the Prerogative, becauſe the Militia in a Commonwealth, where the People are Soverain, is not lawful to be touch'd* injuſſu Populi.

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THE *Romans* were ſo curious, that tho their Conſuls were elected in the * *Centuriat Aſſemblys*, they might not touch the Militia, except they were confirm'd in the † *Parochial Aſſemblys:* for a Magiſtrat not receiving his Power from the People, takes it from them; and to take away their Power, is to take away their Liberty. As to the Election by the Scrutiny, it is eaſily perceiv'd to be *Venetian*, there being no ſuch way to take in the Knowlege, which in all reaſon muſt be beſt in every Council of ſuch men as are moſt fit for their turns, and yet to keep them from the biaſs of particular Affection or Intereſt under that pretence: For the cauſe why the Great Council in *Venice* ſcarce ever elects any other than the Name that is brought in by the Scrutiny, is very probable to be, that they may..... This Election is the laſt of thoſe appertaining to the Senat. The Councils being choſen by the Orders already ſhewn, it remains that we come to thoſe wherby they are inſtructed: and the Orders of Inſtruction to the Councils are two, the firſt for the Matter wherupon they are to procede: and the ſecond for the Manner of their proceding. The Matter of the Councils is diſtributed to them by

19. Order. *Inſtructions for the Councils as to their Matter.* THE nineteenth ORDER, *diſtributing to every Council ſuch Buſineſſes as are properly to belong to their Cognizance, wherof ſom they ſhall receive and determin; and others they ſhall receive, prepare, and introduce into the Houſe: As, firſt,*

For the Council of State. *THE Council of State is to receive all Addreſſes, Intelligences, and Letters of Negotiation; to give audience to Ambaſſadors ſent to, and to draw up Inſtructions for ſuch as ſhall be ſent by, this Commonwealth; to receive Propoſitions from, and hold Intelligence with the Provincial Councils; to conſider upon all Laws to be enacted, amended, or repeal'd; and upon all Levys of Men or Money, War or Peace, Leagues or Aſſociations to be made by this Commonwealth, ſo far forth as is conducible to the orderly preparation of the ſame to be introduc'd by them into the Senat. Provided that all ſuch Affairs, as otherwiſe appertaining to the Council of State, are, for the good of the Commonwealth, to be carry'd with greater ſecrecy, be manag'd by the Council of War, with Power to receive and ſend forth Agents, Spys, Emiſſarys, Intelligencers, Frigots; and to manage Affairs of that nature, if it be neceſſary, without communication to the Senat, till ſuch time as it may be had without detriment to the Buſineſs. But they ſhall have no Power to engage the Commonwealth in a War without the conſent of the Senat and the People. It appertains alſo to this Council to take charge of the Fleet as Admiral; and of all Storehouſes, Armorys, Arſenals, and Magazins appertaining to this Commonwealth. They ſhall keep a diligent Record of the military Expeditions from time to time reported by him that was Strategus or General, or one of the Polemarchs in that Action; or at leaſt ſo far as the Experience of ſuch Commanders may tend to the improvement of the military Diſciplin, which they ſhall digeſt and introduce into the Senat: and if the Senat ſhall therupon frame any Article, they ſhall ſee that it be obſerv'd in the Muſters or Education of the Youth. And wheras the Council of War is the Sentinel or Scout of this Commonwealth, if any Perſon or Perſons ſhall go about to introduce Debate into any popular Aſſembly of the ſame, or otherwiſe to alter the preſent Govern-*

For the Council of War.

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* Centuriatis. † Curiatis Comitiis.

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ment, or ſtrike at the root of it, they ſhall apprehend, or cauſe to be apprehended, ſeiz'd, impriſon'd; and examin, arraign, acquit, or condemn, and cauſe to be executed any ſuch Perſon or Perſons, by their proper Power and Authority, and without appeal.

For the Council of Religion.

THE Council of Religion, as the Arbiter of this Commonwealth in caſes of Conſcience more peculiarly appertaining to Religion, Chriſtian Charity, and a pious Life, ſhall have the care of the National Religion, and the protection of the Liberty of Conſcience, with the cognizance of all Cauſes relating to either of them. And firſt as to the National Religion; They ſhall cauſe all Places or Preferments of the beſt Revenue in either of the Univerſitys to be conſer'd upon no other than ſuch of the moſt learn'd and pious Men, as have dedicated themſelves to the ſtudy of Theology. They ſhall alſo take a ſpecial Care that by ſuch Augmentations as be or ſhall hereafter be appointed by the Senat, every Benefice in this Nation be improv'd at leaſt to the value of one hundred pounds a year. And to the end that there be no intereſt at all, wherby the Divines or Teachers of the National Religion may be corrupted, or corrupt Religion, they ſhall be capable of no other kind of Imployment or Preferment in this Commonwealth. And wheras a Directory for the Adminiſtration of the National Religion is to be prepar'd by this Council, they ſhall in this and other Debates of this nature procede in manner following: A Queſtion ariſing in matter of Religion ſhall be put and ſtated by the Council in writing; which Writing the Cenſors ſhall ſend by their Beadles (being Proctors choſen to attend them) each to the Univerſity wherof he is Chancellor; and the Vice-Chancellor of the ſame receiving the Writing, ſhall call a Convocation of all the Divines of that Univerſity, being above forty years of Age. And the Univerſitys upon a point ſo propos'd, ſhall have no manner of Intelligence or Correſpondence one with another, till their Debates be ended, and they have made return of their Anſwers to the Council of Religion by two or three of their own Members, that may clear their ſenſe, if any doubt ſhould ariſe, to the Council; which don, they ſhall return, and the Council having receiv'd ſuch information, ſhall procede according to their own Judgments, in the preparation of the whole matter for the Senat: That ſo the Intereſt of the Learned being remov'd, there may be a right application of Reaſon to Scripture, which is the Foundation of the National Religion.

SECONDLY, This Council, as to the protection of the Liberty of Conſcience, ſhall ſuffer no coercive Power in the matter of Religion to be exercis'd in this Nation: The Teachers of the Natural Religion being no other than ſuch as voluntarily undertake that calling; and their Auditors or Hearers, no other than are alſo voluntary. Nor ſhall any gather'd Congregation be moleſted or interrupted in their way of worſhip (being neither Jewiſh or Idolatrous) but vigilantly and vigorouſly protected and defended in the Injoyment, Practice, and Profeſſion of the ſame. And if there be Officers or Auditors appointed by any ſuch Congregation for the introduction of Cauſes into the Council of Religion, all ſuch Cauſes ſo introduc'd ſhall be receiv'd, heard, and determin'd by the ſame, with recourſe had, if need be, to the Senat.

THIRDLY, Every Petition addreſt to the Senat, except that of a Tribe, ſhall be receiv'd, examin'd, and debated by this Council; and ſuch only as they, upon ſuch examination and debate had, ſhall think fit, may be introduc'd into the Senat.

For the Council of Trade.

THE Council of Trade being the Vena Porta *of this Nation, ſhall hereafter receive Inſtructions more at large. For the preſent, their Experience*

perience attaining to a right underſtanding of thoſe Trades and Myſterys that feed the Veins of this Commonwealth, and a true diſtinction of them from thoſe that ſuck or exhauſt the ſame, they ſhall acquaint the Senat with the Conveniences and Inconveniences, to the end that Incouragement may be apply'd to the one, and remedy to the other.

For the Academy of the Provoſts.

THE Academy of the Provoſts, being the Affability of the Commonwealth, ſhall aſſemble every day towards the Evening in a fair Room, having certain withdrawing Rooms therto belonging. And all ſorts of Company that will repair thither for Converſation or Diſcourſe, ſo it be upon matters of Government, News, or Intelligence, or to propoſe any thing to the Councils, ſhall be freely and affably receiv'd in the outer Chamber, and heard in the way of civil Converſation, which is to be manag'd without any other Aw or Ceremony than is therto uſually appertaining; to the end that every Man may be free, and that what is propos'd by one, may be argu'd or diſcours'd by the reſt, except the matter be of ſecrecy; in which caſe the Provoſts, or ſom of them, ſhall take ſuch as deſire Audience into one of the withdrawing Rooms. And the Provoſts are to give their minds, that this Academy be ſo govern'd, adorn'd, and preſerv'd, as may be moſt attractive to Men of Parts and good Affections to the Commonwealth, for the excellency of the Converſation.

FURTHERMORE, If any Man, not being able or willing to com in perſon, has any advice to give which he judges may be for the good of the Commonwealth, he may write his mind to the Academy of the Provoſts, in a Letter ſign'd or not ſign'd; which Letter ſhall be left with the Doorkeeper of the Academy. Nor ſhall any Perſon delivering ſuch a Letter be ſeiz'd, moleſted, or detain'd, tho it ſhould prove to be a Libel. But the Letters ſo deliver'd ſhall be preſented to the Provoſts; and in caſe they be ſo many that they cannot well be perus'd by the Provoſts themſelves, they ſhall diſtribute them as they pleaſe to be read by the Gentlemen of the Academy, who finding any thing in them material, will find matter of Diſcourſe: Or if they happen upon a buſineſs that requires privacy, return it with a Note upon it to a Provoſt. And the Provoſts by the Secretarys attending ſhall cauſe ſuch Notes out of Diſcourſes or Letters to be taken as they pleaſe, to the end that they may propoſe, as occaſion ſerves, what any two of them ſhall think fit out of their Notes ſo taken to their reſpective Councils: to the end that not only the Ear of the Commonwealth be open to all, but that Men of ſuch Education being in her ey, ſhe may upon emergent Elections or Occaſions be always provided of her choice of fit Perſons.

For the Attendance of the Councils.

EVERY Council being adorn'd with a State for the Signory, ſhall be attended by two Secretarys, two Doorkeepers, and two Meſſengers in ordinary, and have power to command more upon Emergencys, as occaſion requires. And the Academy ſhall be attended with two Secretarys, two Meſſengers, and two Doorkeepers; this with the other Councils being provided with their farther Conveniences at the charge of the State.

For the Dictator.

BUT wheras it is incident to Commonwealths, upon Emergencys requiring extraordinary ſpeed or ſecrecy, either thro their natural delays or unnatural haſt, to incur equal danger, while holding to the ſlow pace of their Orders, they com not in time to defend themſelves from ſom ſudden blow; or breaking them for the greater ſpeed, they hut haſt to their own deſtruction: If the Senat ſhall at any time make Election of nine Knights extraordinary, to be added to the Council of War, as a Juncta *for the term of three Months, the Council of War, with the* Juncta *ſo added, is for the term of the ſame Dictator of* Oceana, *having power to levy Men and Mony,*

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Mony, to make War and Peace, as alſo to enact Laws, which ſhall be good for the ſpace of one year (if they be not ſooner repeal'd by the Senat and the People) and for no longer time, except they be confirm'd by the Senat and the People. And the whole Adminiſtration of the Commonwealth for the term of the ſaid three Months ſhall be in the Dictator; provided, that the Dictator ſhall have no Power to do any thing that tends not to his proper end and inſtitution, but all to the preſervation of the Commonwealth as it is eſtabliſh'd, and for the ſudden reſtitution of the ſame to the natural Channel and common courſe of Government. And all Acts, Orders, Decrees, or Laws of the Council of War with the Juncta, *being thus created, ſhall be ſign'd,*

DICTATOR OCEANÆ.

THIS Order of Inſtructions to the Councils being (as in a matter of that nature is requiſit) very large, I have us'd my beſt ſkill to abbreviat it in ſuch manner as might ſhew no more of it than is neceſſary to the underſtanding of the whole; tho as to the parts, or further dutys of the Councils, I have omitted many things of ſingular uſe in a Commonwealth. But it was diſcours'd at the Council by the ARCHON in this manner.

My Lords, the Legiſlators;

" YOUR Councils, except the Dictator only, are proper and
" native Springs and Sources, you ſee, which (hanging a few
" ſticks and ſtraws, that, as leſs conſiderable, would otherwiſe be
" more troubleſom, upon the banks of their peculiar Channels) de-
" rive the full ſtream of buſineſs into the Senat, ſo pure, and ſo far
" from the poſſibility of being troubl'd or ſtain'd (as will undenia-
" bly appear by the Courſe contain'd in the inſuing Order) with
" any kind of privat Intereſt or Partiality, that it ſhall never be poſſi-
" ble for any Aſſembly hearkning to the advice or information of this
" or that worthy Member (either inſtructed upon his Pillow, or
" while he was making himſelf ready, or by the Petition or Ticket
" which he receiv'd at the door) to have half the Security in his
" Faith, or Advantage by his Wiſdom; ſuch a Senat or Council being,
" thro the incertainty of the Winds, like a Wave of the Sea. Nor
" ſhall it otherwiſe mend the matter by flowing up into dry ditches,
" or referring buſineſſes to be better examin'd by Committees, than to
" go farther about with it to leſs purpoſe; if it dos not ebb back again
" with the more mud in it. For in a caſe refer'd to an occaſional
" Committee, of which any Member that is deſirous may get himſelf
" nam'd, and to which nobody will com, but either for the ſake of
" his Friend, or his own Intereſt; it fares little better as to the Infor-
" mation of the Senat, than if it had bin refer'd to the Partys. Wher-
" fore the *Athenians* being diſtributed into four Tribes, out of which
" by equal numbers they annually choſe four hundred Men, call'd
" *the Senat of the Bean* (becauſe the Ballot at their Election was per-
" form'd by the uſe of Beans) divided them by Fiftys into eight
" parts. And every Fifty in their turn, for one eighth part of the
" year, was a Council apart call'd the *Prytans*. The *Prytans* in
" their diſtinct Council receiving all Comers, and giving ear to every
" Man that had any thing to propoſe concerning the Commonwealth,

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" had power to debate and prepare all the buſineſſes that were to be " introduc'd into the Senat. The *Achæans* had ten ſelected Magiſtrats " call'd the *Demiurgs*, conſtituting a Council apart call'd the *Synarchy*, " which with the *Strategus* prepar'd all the buſineſs that was intro- " duc'd into their Senat. But both the Senat of the *Athenians*, and " that of the *Achæans*, would have wonder'd if a Man had told them, " that they were to receive all Comers and Diſcourſes, to the end that " they might refer them afterwards, to the *Prytans* or the *Synarchy*; " much leſs to an occaſional Committee, expos'd to the catch that " catch may of the partys intereſted. And yet *Venice*, in this, as in " moſt of her Orders, excels them all by the Conſtitution of her " Councils, that of the College, and the other of the *Dieci*, or Coun- " cil of Ten. The courſe of the College is exactly deſcrib'd in the " inſuing Order: And for that of the *Dieci*, it ſo little differs from " what it has beſtow'd upon our *Dictator*, that I need not make any " particular deſcription of it. But to *Dictatorian* Power in general, " and the uſe of it, becauſe it muſt needs be of difficult digeſtion to " ſuch as, puking ſtill at antient Prudence, ſhew themſelves to be in " the Nurſery of Motherwit; it is no leſs than neceſſary to ſay ſom- " thing. And, Firſt, in a Commonwealth that is not wrought up, " or perfected, this power will be of very frequent, if not continual " uſe; wherfore it is ſaid more than once, upon defects of the Govern- " ment, in the Book of *Judges*, *That in thoſe days there was no King in* " Iſrael. Nor has the Tranſlator, tho for *no King* he ſhould have " ſaid *no Judg*, abus'd you ſo much; ſeeing that the Dictator (and " ſuch was the *Judg of Iſrael)* or the Dictatorian Power being in a " ſingle Perſon, ſo little differs from Monarchy, which follow'd in " that, that from the ſame cauſe there has bin no other effect in any " Commonwealth; as in *Rome* was manifeſt by SYLLA and CESAR, " who to make themſelves Abſolute or Soverain, had no more to do " than to prolong their Magiſtracy; for * the Dictatorian Power was " reputed Divine, and therfore irreſiſtible. Nevertheleſs, ſo it is, " that without this Power, which is ſo dangerous, and ſubject to in- " troduce Monarchy, a Commonwealth cannot be ſafe from falling " into the like diſſolution; unleſs you have an Expedient in this caſe " of your own, and bound up by your Providence from recoiling. " Expedients in ſom caſes you muſt not only have, but be beholden " for them to ſuch whom you muſt truſt at a pinch, when you have " not leiſure to ſtand with them for ſecurity; which will be a thou- " ſand times more dangerous. And there can never be a Common- " wealth otherwiſe than by the Order in debate wrought up to that " perfection; but this neceſſity muſt ſomtimes happen in regard of " her natural ſlowneſs and openneſs, and the ſuddenneſs of Aſſaults " that may be made upon her, as alſo the Secreſy which in ſom caſes " may be of abſolute neceſſity to her Affairs. Whence MACHIA- " VEL concludes it poſitively, that a Commonwealth unprovided of " ſuch a Refuge, muſt fall to ruin: for her courſe is either broken " by the blow in one of thoſe caſes, or by herſelf, while it ſtartles " her out of her Orders. And indeed a Commonwealth is like a " Greyhound, which having once coaſted, will never after run fair, " but grow ſlothful; and when it coms to make a common practice

* Dictatoris imperium quaſi Numen. *Liv.*

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" of taking nearer ways than its Orders, it is diſſolv'd: for the being " of a Commonwealth conſiſts in its Orders. Wherfore at this liſt " you will be expos'd to danger, if you have not provided before- " hand for the ſafety of your Reſort in the like caſes: nor is it ſuffi- " cient that your Reſort be ſafe, unleſs it be as ſecret and quick; for " if it be ſlow or open, your former Inconveniences are not re- " medy'd. Now for our imitation in this part, there is nothing in " experience like that of the Council of Ten in *Venice*; the benefit " wherof would be too long to be ſhewn in the whole piece, and " therfore I ſhall take but a pattern out of JANOTTI. In the War, " ſays he, which the *Venetians* had with *Florence* in *Caſentin*, the " *Florentins* finding a neceſſity in their affairs far from any other incli- " nation in themſelves to aſk their Peace, ſent Ambaſſadors about it " to *Venice*, where they were no ſooner heard, than the bargain was " ſtruck up by the Council of Ten: and every body admiring (ſee- " ing this Commonwealth ſtood upon the higher ground) what " ſhould be the reaſon of ſuch haſt; the Council upon the return of " the Ambaſſadors imparted Letters to the Senat, wherby it appear'd, " that the *Turc* had newly lanch'd a formidable Fleet againſt their " State; which had it bin underſtood by the *Florentins*, it was well " enough known they would have made no Peace. Wherfore the " ſervice of the Ten was highly applauded by the Senat, and cele- " brated by the *Venetians*. Wherby may appear, not only in part " what uſe there is of Dictatorian Power in that Government, but " that it is aſſum'd at the diſcretion of that Council; wheras in this " of *Oceana* it is not otherwiſe intruſted than when the Senat, in the " Election of nine Knights extraordinary, gives at once the Com- " miſſion, and takes ſecurity in a balance, added to the Council of " War, tho ſecurer before by the Tribuns of the People than that " of *Venice*, which yet never incur'd Jealouſy: For if the younger " Nobility have bin often girding at it, that happen'd not ſo much " thro the apprehenſion of danger in it to the Commonwealth, as " thro the aw of it upon themſelves. Wherfore the Graver have " doubtleſly ſhewn their Prudence in the Law; wherby the Ma- " giſtracy of theſe Counſillors being to laſt till their Succeſſors be " created, the Council is eſtabliſh'd.

THE Inſtructions of the Councils for their matter being ſhewn, it remains that I ſhew the Inſtructions for the manner of their proceding, as they follow in

Inſtructions for the Councils as to their manner of Proceding:

THE twentieth ORDER, *containing the Method of Debates to be obſerv'd by the Magiſtrats and the Councils ſucceſſively in order to a Decree of the Senat.* 20. Order.

THE Magiſtrats of the Signory, as Counſillors of this Commonwealth, ſhall take into their conſideration all matters of State, or of Government; and, having right to propoſe in any Council, may any one or more of them propoſe what buſineſs he or they pleaſe in that Council to which it moſt properly belongs. And, that the Councils may be held to their duty, the ſaid Magiſtrats are ſuperintendants and inſpectors of the ſame, with right to propoſe to the Senat.

THE Cenſors have equal Power with theſe Magiſtrats, but in relation to the Council of Religion only.

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ANY two of the three Provoſts in every Council may propoſe to, and are the more peculiar Propoſers of, the ſame Council; to the end that there be not only an inſpection and ſuperintendency of buſineſs in general, but that every work be alſo committed to a peculiar hand.

ANY one or more of the Magiſtrats, or any two of the Provoſts reſpectively having propos'd, the Council ſhall debate the buſineſs ſo propos'd, to which they of the third Region that are willing ſhall ſpeak firſt in their order; they of the ſecond, next; and they of the firſt, laſt: and the opinions of thoſe that propos'd or ſpoke, as they ſhall be thought the moſt conſiderable by the Council, ſhall be taken by the Secretary of the ſame in writing, and each of them ſign'd with the name of the Author.

THE Opinions being thus prepar'd, any Magiſtrat of the Signory, the Cenſors, or any two of the Provoſts of that Council, upon this occaſion may aſſemble the Senat.

THE Senat being aſſembled, the Opinions (for example, if they be four) ſhall be read in their Order, that is, according to the Order or Dignity of the Magiſtrats or Counſillors by which they were ſign'd. And being read, if any of the Council introducing them will ſpeak, they, as beſt acquainted with the buſineſs, ſhall have precedence; and after them the Senators ſhall ſpeak according to their Regions, beginning by the third firſt, and ſo continuing till every man that will has ſpoken: and when the Opinions have bin ſufficiently debated, they ſhall be put all together to the Ballot after this manner.

FOUR Secretarys carrying each of them one of the Opinions in one hand, with a white Box in the other, and each following the other, according to the order of the Opinions, ſhall preſent his Box, naming the Author of his Opinion to every Senator; and one Secretary or Ballotin with a green Box ſhall follow the four white ones; and one Secretary or Ballotin with a red Box ſhall follow the green one: and every Senator ſhall put one Ball into ſom one of theſe ſix boxes. The Suffrage being gather'd and open'd before the Signory, if the red Box or Nonſincere *had above half the Suffrages, the Opinions ſhall be all caſt out, for the major part of the Houſe is not clear in the buſineſs. If no one of the four Opinions had above half the Suffrages in the Affirmative, that which had feweſt ſhall be caſt out, and the other three ſhall be balloted again. If no one of the three had above half, that which had feweſt ſhall be caſt out, and the other two ſhall ballot again. If neither of the two had above half, that which had feweſt ſhall be caſt out, and the remaining Opinion ſhall be balloted again. And if the remaining Opinion has not above half, it ſhall alſo be caſt out. But the firſt of the Opinions that arrives at moſt above half in the Affirmative, is the Decree of the Senat. The Opinions being all of them caſt out by the* Nonſincere, *may be review'd, if occaſion permits, by the Council, and brought in again. If they be caſt out by the Negative, the caſe being of advice only, the Houſe approves not, and there is an end of it: the caſe being neceſſary, and admitting delay, the Council is to think again upon the buſineſs, and to bring in new Opinions; but the Caſe being neceſſary, and not admitting delay, the Senat immediatly electing the* Juncta, *ſhall create the Dictator.* * And let the Dictator, *as the Roman ſaying is,* take care that the Commonwealth receives no harm.

THIS in caſe the Debate concludes not in a Decree. But if a Decree be paſt, it is either in matter of State or Government according to Law enacted already, and then it is good without going any further: or it is in

* Et videat Dictator ne quid Reſpub. detrimenti capiat.

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matter of Law to be enacted, repeal'd or amended; and then the Decree of the Senat, especially if it be for a War, or for a Levy of Men or Mony, is invalid, without the result of the Commonwealth, which is in the Prerogative Tribe, or Representative of the People.

THE Senat having prepar'd a Decree to be propos'd to the People, shall appoint their Proposers; and no other may propose for the Senat to the People but the Magistrats of the House: that is to say, the three Commissioners of the Seal, or any two of them; the three of the Treasury, or any two of them; or the two Censors.

THE Senat having appointed their proposers, shall require of the Tribuns a Muster of the People at a set time and place: and the Tribuns or any two of them having muster'd the People accordingly, the Proposers shall propose the Sense or Decree of the Senat by clauses to the People. And that which is propos'd by the Authority of the Senat, and resolv'd by the Command of the People, is the Law of Oceana.

TO this Order, implicitly containing the sum very near of the whole Civil part of the Commonwealth, my Lord ARCHON spoke thus in Council.

My Dear Lords;

" THERE is a Saying, That a man must cut his Coat according to his Cloth. When I consider what God has allow'd or " furnish'd to our present work, I am amaz'd. You would have a " popular Government, he has weigh'd it to you in the present balance, as I may say, to a dram; you have no more to do, but to fix " it. For the Superstructures of such a Government, they require a " good Aristocracy: and you have, or have had a Nobility or Gentry " the best study'd, and the best Writers, at least next that of *Italy*, " in the whole World; nor have they bin inferior, when so exercis'd, " in the leading of Armys. But the People are the main body of a " Commonwealth; shew me from the Treasurys of the Snow (as it " is in JOB) to the burning Zone, a People whose shoulder so universally and so exactly fit the Corslet. Nevertheless it were convenient to be well provided with Auxiliaries. There is *Marpesia* thro " her fruitfulness inexhaustible of Men, and men thro her barrenness " not only inur'd to hardship, but in your Arms. It may be said, " that *Venice*, excepting only that she takes not in the People, is the " most incomparable Situation of a Commonwealth. You are *Venice* " taking in your People and your Auxiliarys too. My Lords, the " Children of *Israel* were makers of Brick, before they were builders " of a Commonwealth: But our Brick is made, our Mortert emper'd, " the Cedars of *Lebanon* are hew'd and squar'd to our hands. Has " this bin the work of man? or is it in man to withstand this work? " *Shall he that contends with the Almighty, instruct him? He that re-* " *proves God, let him answer it.* For our parts, every thing is so laid, " that when we come to have use of it, it is the next at hand; and unless we can conceive that God and Nature do any thing in vain, " there is no more for us to do but to dispatch. The Piece, which we " have reach'd to us in the foregoing Orders, is the Aristocracy. *A-* " *thens*, as has bin shewn, was plainly lost thro the want of a good " Aristocracy. But the sufficiency of an Aristocracy gos demonstrably upon the hand of the Nobility or Gentry: for that the Politics

" can

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" can be maſter'd without ſtudy, or that the People can have leiſure to " ſtudy, is a vain imagination; and what kind of Ariſtocracy Divines " and Lawyers would make, let their incurable running upon their " own narrow biaſs, and their perpetual invectives againſt MACHI- " AVEL (tho in ſom places juſtly reprovable, yet the only Politician, " and incomparable Patron of the People) ſerve for inſtruction. I " will ſtand no more to the Judgment of Lawyers and Divines in this " work, than to that of ſo many other Tradeſmen; but if this Mo- " del chances to wander abroad, I recommend it to the *Roman Specu-* " *lativi* (the moſt complete Gentlemen of this age) for their cenſure: " or with my Lord EPIMONUS his leave, ſend three or four hun- " dred Copys to your Agent at *Venice* to be preſented to the Magi- " ſtrats there; and when they have conſider'd them, to be propos'd to " the debate of the Senat, the moſt competent Judges under Heaven, " who, tho they have great Affairs, will not refuſe to return you the O- " racle of their Ballot. The Counſillors of Princes I will not truſt; they " are but Journymen. *The Wiſdom of theſe later times in Princes Affairs* " (ſays VERULAMIUS) *is rather fine deliverys and ſhiftings of dangers* " *when they be near, than ſolid and grounded courſes to keep them off.* Their " Counſillors do not derive their procedings from any ſound root of " Government that may contain the demonſtration, and aſſure the " ſucceſs of them, but are expedient-mongers, givers of themſelves " to help a lame dog over a ſtile; elſe how coms it to paſs, that the " fame of Cardinal RICHLIEU has bin like Thunder, wherof we " hear the noiſe, but can make no demonſtration of the reaſon? But " to return, if neither the People, nor Divines, and Lawyers, can be " the Ariſtocracy of a Nation, there remains only the Nobility; in " which ſtile, to avoid farther repetition, I ſhall underſtand the " Gentry alſo, as the *French* do by the word *Nobleſſe*.

" NOW to treat of the Nobility in ſuch ſort as may be leſs obnoxi- " ous to miſtake, it will be convenient, and anſwerable to the preſent " occaſion, that I divide my Diſcourſe into four parts.

" THE Firſt treating of Nobility, and the kinds of it.
" THE Second, of their capacity of the Senat.
" THE Third, of the divers kinds of Senats.
" THE Fourth, of the Senat, according to the foregoing Orders.

" NOBILITY may be defin'd divers ways; for it is either an- " tient Riches, or antient Virtue, or a Title confer'd by a Prince or " a Commonwealth.

" NOBILITY of the firſt kind may be ſubdivided into two o- " thers, ſuch as hold an overbalance in Dominion or Property to the " whole People, or ſuch as hold not an overbalance. In the former " caſe, a Nobility (ſuch was the *Gothic*, of which ſufficient has bin " ſpoken) is incompatible with popular Government; for to popular " Government it is eſſential that power ſhould be in the People, but " the overbalance of a Nobility in Dominion draws the Power to " themſelves. Wherfore in this ſenſe it is that MACHIAVEL is " to be underſtood, where he ſays, * That theſe are pernicious in a " Commonwealth; and of *France*, *Spain*, and *Italy*, that they are

* Queſti tali ſono pernitioſi in ogni Republica, & in ogni Provincia.

" Nations

" Nations † which for this cauſe are the corruption of the World: for " otherwiſe Nobility may according to his definition (which is, *That* " *they are ſuch as live upon their own Revenues in plenty, without in-* " *gagement either to the tilling of their Lands, or other work for their* " *livelihood*) hold an underbalance to the People; in which caſe they " are not only ſafe, but neceſſary to the natural mixture of a well- " order'd Commonwealth. For how elſe can you have a Common- " wealth that is not altogether mechanic? or what compariſon is there " of ſuch Commonwealths as are, or com neareſt to mechanic, for exam- " ple, *Athens*, *Switzerland*, *Holland*, to *Lacedemon*, *Rome*, and *Venice*, " plum'd with their Ariſtocracys? Your Mechanics, till they have firſt " feather'd their neſts, like the Fowls of the Air, whoſe whole imploy- " ment is to ſeek their food, are ſo buſy'd in their private concernments, " that they have neither leiſure to ſtudy the public, nor are ſafely to be " truſted with it, || becauſe a Man is not faithfully imbark'd in this " kind of ſhip, if he has no ſhare in the freight. But if his ſhare be " ſuch as gives him leiſure by his privat advantage to reflect upon that " of the public, what other name is there for this ſort of Men, being " *a leur aiſe*, but (as MACHIAVEL you ſee calls them) NOBI- " LITY? eſpecially when their Familys com to be ſuch as are " noted for their Services don to the Commonwealth, and ſo take into " their antient Riches antient Virtue, which is the ſecond definition " of Nobility, but ſuch a one as is ſcarce poſſible in nature without " the former. *For as the Baggage*, ſays VERULAMIUS, *is to an* " *Army, ſo are Riches to Virtue; they cannot be ſpar'd nor left behind,* " *tho they be impediments, ſuch as not only hinder the march, but ſometimes* " *thro the care of them loſe or diſturb the Victory.* Of this latter ſort is " the Nobility of *Oceana*; the beſt of all others, becauſe they, having " no ſtamp whence to derive their price, can have it no otherwiſe " than by their intrinſic value. The third definition of Nobility, " is a Title, Honor, or Diſtinction from the People, confer'd or al- " low'd by the Prince or the Commonwealth. And this may be two " ways, either without any ſtamp or privilege, as in *Oceana*; or with " ſuch privileges as are inconſiderable, as in *Athens* after the battel of " *Plateæ*, whence the Nobility had no right, as ſuch, but to religious " Offices, or inſpection of the public Games, to which they were alſo " to be elected by the People: or with privileges, and thoſe conſide- " rable ones, as the Nobility in *Athens* before the battel of *Plateæ*, " and the *Patricians* in *Rome*, each of which had right, or claim'd it, " to the Senat and all the Magiſtracys; wherin for ſom time they " only by their ſtamp were current.

" BUT to begin higher, and to ſpeak more at large of Nobility " in their ſeveral capacitys of the Senat. The Phylarchs or Princes of " the Tribes of *Iſrael* were the moſt renown'd, or, as the *Latin*, the Numb. 1. 16. " moſt noble of the Congregation, wherof by hereditary right they " had the leading and judging. The Patriarchs, or Princes of Familys, Ver. 18. " according as they declar'd their Pedigrees, had the like right as to their " Familys; but neither in theſe nor the former, was there any hereditary " right to the *Sanhedrim:* tho there be little queſtion but the wiſe men, " and underſtanding, and known among their Tribes, which the Peo-

† Lequali tutte inſieme ſono la corruttela del mondo.

|| Egeſtas haud facile habetur ſine damno.

" ple

Deut. 1. 13. " ple, took or elected into those or other Magistracys, and whom " MOSES made Rulers over them, must have bin of these; seeing " they could not chuse but be the most known among the Tribes, and " were likeliest by the advantages of Education to be the most wise " and understanding.

" SOLON having found the *Athenians* neither locally nor genealo- " gically, but by their different ways of Life, divided into four Tribes, " that is, into the Soldiery, the Tradesmen, the Husbandmen, and " the Goatherds, instituted a new distribution of them, according to " the cense or valuation of their Estates, into four Classes: the first, " second, and third, consisting of such as were Proprietors in Land, " distinguish'd by the rate of their Freeholds, with that stamp upon " them, which making them capable of adding Honor to their " Riches, that is to say, of the Senat and all the Magistracys, exclud- " ed the fourth, being the Body of the People, and far greater in num- " ber than the former three, from all other right, as to those Capaci- " tys, except the election of these, who by this means became a here- " ditary Aristocracy or Senatorian Order of Nobility. This was that " course which came afterwards to be the destruction of *Rome*, and " had now ruin'd *Athens*. The Nobility, according to the inevitable " Nature of such a one, having laid the Plot how to devest the Peo- " ple of the Result, and so to draw the whole Power of the Com- " monwealth to themselves; which in all likelihood they had don, if " the People, coming by mere chance to be victorious in the battel of " *Plateæ*, and famous for defending *Greece* against the *Persians*, had " not return'd with such Courage as irresistibly broke the Classes, to " which of old they had born a white Tooth, brought the Nobility " to equal Terms, and the Senat with the Magistracys to be common " to both; the Magistracys by Suffrage, and the Senat (which was the " mischief of it, as I shall shew anon in that Constitution) by Lot only.

" THE *Lacedemonians* were in the manner, and for the same cause " with the *Venetians* at this day, no other than a Nobility, even ac- " cording to the definition given of Nobility by MACHIAVEL; " for they neither exercis'd any Trade, nor labor'd their Lands or " Lots, which was don by their *Helots:* wherfore som Nobility may " be far from pernicious in a Commonwealth by MACHIAVEL'S " own Testimony, who is an admirer of this, tho the Servants ther- " of were more in number than the Citizens. To these Servants I " hold the answer of LYCURGUS, when he bad him who ask'd why " he did not admit the People to the Government of his Common- " wealth, to go home and admit his Servants to the Government of " his Family, to relate: for neither were the *Lacedemonians* Servants, " nor farther capable of the Government, unless, wheras the Congre- " gation had the Result, he should have given them the Debate also; " every one of these that attain'd to sixty years of Age, and the major " Vote of the Congregation, being equally capable of the Senat.

" THE Nobility of *Rome*, and their capacity of the Senat, I have " already describ'd by that of *Athens* before the battel of *Plateæ*; sa- " ving only that the *Athenian* was never eligible into the Senat with- " out the suffrage of the People, till the introduction of the Lot, but " the *Roman* Nobility ever: for the *Patricians* were elected into the " Senat by the Kings, by the Consuls, or the Censors; or if a Ple- " beian happen'd to be conscrib'd, he and his Posterity became Patri- " cians.

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" cians. Nor, tho the People had many diſputes with the Nobili-
" ty, did this ever com in controverſy, which, if there had bin no-
" thing elſe, might in my judgment have bin enough to overturn that
" Commonwealth.

" THE *Venetian* Nobility, but that they are richer, and not mi-
" litary, reſemble at all other points the *Lacedemonian*, as I have al-
" ready ſhewn. Theſe MACHIAVEL excepts from his rule, by
" ſaying, that their Eſtates are rather perſonal than real, or of any
" great revenue in Land; which coms to our account, and ſhews, that
" a Nobility or party of the Nobility, not overbalancing in Domini-
" on, is not dangerous, but of neceſſary uſe in every Commonwealth,
" provided it be rightly order'd; for if it be ſo order'd as was that
" of *Rome*, tho they do not overbalance at the beginning, as they
" did not there, it will not be long e'er they do, as is clear both in
" reaſon and experience towards the latter end. That the Nobility
" only be capable of the Senat, is there only not dangerous, where
" there be no other Citizens, as in this Government and that of *La-*
" *cedemon*.

" THE Nobility of *Holland* and *Switzerland*, tho but few, have
" Privileges not only diſtinct from the People, but ſo great, that in ſom
" Soveraintys they have a negative voice; an example which I am far
" from commending, being ſuch as (if thoſe Governments were not
" cantoniz'd, divided, and ſubdivided into many petty Soveraintys
" that balance one another, and in which the Nobility, except they
" had a Prince at the head of them, can never join to make work)
" would be the moſt dangerous that ever was but the *Gothic*, of which
" it ſavors. For in antient Commonwealths you ſhall never find a
" Nobility to have had a negative but by the Poll, which, the People
" being far more in number, came to nothing; wheras theſe have it,
" be they never ſo few, by their ſtamp or order.

" OURS of *Oceana* have nothing elſe but their education and their
" leiſure for the public, furniſh'd by their Eaſe and competent Riches:
" and their intrinſic value, which, according as it coms to hold weight
" in the judgment or ſuffrage of the People, is their only way to honor
" and preferment. Wherfore I would have your Lordſhips to look
" upon your Children as ſuch, who if they com to ſhake off ſom part
" of their baggage, ſhall make the more quick and glorious march:
" for it was nothing elſe but the baggage ſordidly plunder'd by the
" Nobility of *Rome*, that loſt the Victory of the whole World in the
" midſt of her Triumph.

" HAVING follow'd the Nobility thus cloſe, they bring us, ac-
" cording to their natural courſe and divers kinds, to the divers Con-
" ſtitutions of the Senat.

" THAT of *Iſrael* (as was ſhew'd by my Right Noble Lord
" PHOSPHORUS DE AUGE, in the opening of the Commonwealth)
" conſiſted of ſeventy Elders, elected at firſt by the People. But
" wheras they were for life, they ever after (tho without any divine
" precept for it) ſubſtituted their Succeſſors by Ordination, which Ce-
" remony was moſt uſually perform'd by impoſition of hands; and
" by this means a Commonwealth of as popular inſtitution as can be
" found, became, as it is accounted by JOSEPHUS, Ariſtocratical.
" From this Ordination derives that which was introduc'd by the A-
" poſtles into the Chriſtian Church; for which cauſe I think it is, that

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" the Presbyterians would have the Government of the Church to be " Aristocratical: Tho the Apostles, to the end, as I conceive, that " they might give no occasion to such a mistake, but shew that they " intended the Government of the Church to be popular, *ordain'd El-* " *ders*, as has bin shewn, *by the holding up of hands* (or free Suffrage of " the People) *in every Congregation* or *Ecclesia*: for that is the word in " the Original, being borrow'd from the civil Congregations of the " People in *Athens* and *Lacedemon*, which were so call'd; and the " word for *holding up of hands* in the Text, is also the very same, " which signify'd the Suffrage of the People in *Athens*, χειροτονήσαντες; " for the Suffrage of the *Athenians* was given *per Chirotonian*, says " EMMIUS.

" THE Council of the Bean (as was shewn by my Lord NA- " VARCHUS DE PARALO in his full Discourse) being the propo- " sing Senat of *Athens* (for that of the *Areopagits* was a Judicatory) " consisted of four, som say five hundred Senators, elected annually, " all at once, and by a mere lot without suffrage. Wherfore tho the " Senat, to correct the temerity of the Lot, had power to cast out " such as they should judg unworthy of that honor; this related to " manners only, and was not sufficient to repair the Commonwealth, " which by such means became impotent: and forasmuch as her Senat " consisted not of the natural Aristocracy, which in a Commonwealth " is the only spur and rein of the People, it was cast headlong by the " rashness of her Demagogs or Grandees into ruin; while her Senat, " like the *Roman* Tribuns (* *who almost always, instead of governing,* " *were rather govern'd by the multitude*) propos'd not to the Result " only, but to the Debate also of the People, who were therfore call'd " to the Pulpits, where som vomited, and others drank poison.

" THE Senat of *Lacedemon*, most truly discover'd by my Lord " LACO DE SCYTALE, consisted but of 30 for life, wherof the " two Kings having but single Votes, were hereditary, the rest elect- " ed by the free Suffrage of the People, but out of such as were sixty " years of age. These had the whole debate of the Commonwealth " in themselves, and propos'd to the Result only of the People. And " now the riddle which I have heretofore found troublesom to unfold, " is out; that is to say, why *Athens* and *Lacedemon*, consisting each of " the Senat and the People, the one should be held a Democracy, and " the other an Aristocracy, or laudable Oligarchy, as it is term'd by " ISOCRATES; for that word is not, wherever you meet it, to be " branded, seeing it is us'd also by ARISTOTLE, PLUTARCH, and " others, somtimes in a good sense. The main difference was, that " the People in this had the Result only, and in that the Debate " and Result too. But for my part, where the People have the elec- " tion of the Senat, not bound to a distinct order, and the Result, which " is the Soverain Power, I hold them to have that share in the Govern- " ment (the Senat being not for life) wherof, with the safety of the " Commonwealth, they are capable in nature; and such a Govern- " ment, for that cause, to be Democracy: tho I do not deny, but in " *Lacedemon*, the paucity of the Senators consider'd, it might be call'd " *Oligarchy*, in comparison of *Athens*; or, if we look on their conti- " nuance for life, tho they had bin more, *Aristocracy*.

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* Qui ferè semper regebantur à multitudine magis quam regebant.

" THE

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" THE Senat of *Rome* (whoſe Fame has bin heard to thunder in " the Eloquence of my Lord DOLABELLA D'ENYO) conſiſting of " 300, was, in regard of the number, leſs Oligarchical than that of " *Lacedemon*; but more in regard of the *Patrician*, who, having a " hereditary Capacity of the ſame, were not elected to that Honor " by the People; but, being conſcrib'd by the Cenſors, injoy'd it for " life. Wherfore theſe, if they had their wills, would have reſolv'd " as well as debated; which ſet the People at ſuch variance with them, " as diſſolv'd the Commonwealth; wheras if the People had injoy'd " the Reſult, that about the Agrarian, as well as all other ſtrife, muſt " of neceſſity have ceas'd.

" THE Senats of *Switzerland* and *Holland* (as I have learnt of " my Lords ALPESTER and GLAUCUS) being bound up (like the " ſheaf of Arrows which the latter gives) by Leagues, ly like thoſe " in their Quivers: But Arrows, when they com to be drawn, fly " ſom this way, and ſom that; and I am contented that theſe con- " cern'd us not.

" THAT of *Venice* (by the faithful Teſtimony of my moſt ex- " cellent Lord LINCEUS DE STELLA) has oblig'd a World, ſuf- " ficiently puniſh'd by its own blindneſs and ingratitude, to repent " and be wiſer: for wheras a Commonwealth in which there is no " Senat, or where the Senat is corrupt, cannot ſtand; the Great " Council of *Venice*, like the Statue of *Nilus*, leans upon an Urn or " Waterpot, which pours forth the Senat in ſo pure and perpetual a " ſtream, as being inabled to ſtagnat, is for ever incapable of Cor- " ruption. The fuller Deſcription of this Senat is contain'd in that " of *Oceana*; and that of *Oceana* in the foregoing Orders. To every one " of which, becauſe ſomthing has bin already ſaid, I ſhall not ſpeak " in particular. But in general, your Senat, and the other Aſſembly, " or the Prerogative, as I ſhall ſhew in due place, are perpetual, not " as Lakes or Puddles, but as the Rivers of *Eden*; and are beds made, " as you have ſeen, to receive the whole People, by a due and faithful " viciſſitude, into their current. They are not, as in the late way, al- " ternat. Alternat Life in Government is the alternat * Death of it.

" THIS was the *Gothic* work, wherby the former Government " (which was not only a ſhip, but a guſt too) could never open her " ſails, but in danger to overſet herſelf; neither could make any voy- " age, nor ly ſafe in her own harbor. The Wars of later ages, ſays " VERULAMIUS, ſeem to be made in the dark, in reſpect of the " glory and honor which reflected on men from the Wars in antient " times. Their ſhipping of this ſort was for Voyages, ours dare not " lanch; nor lys it ſafe at home. Your *Gothic* Politicians ſeem to me " rather to have invented ſom new Ammunition or Gunpowder, in " their King and Parlament, than Government. For what is becom " of the Princes (a kind of People) in *Germany?* blown up. Where " are the Eſtates, or the Power of the People in *France?* blown up. " Where is that of the People in *Arragon*, and the reſt of the *Spaniſh* " Kingdoms? blown up. On the other ſide, where is the King of " *Spain*'s Power in *Holland?* blown up. Where is that of the *Au-* " *ſtrian* Princes in *Switzerland?* blown up. This perpetual peeviſhneſs " and jealouſy, under the alternat Empire of the Prince, and of the

* Ut fratrem Pollux alternâ morte redemit.

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" People, is obnoxious to every Spark. Nor ſhall any man ſhew a " reaſon that will be holding in prudence, why the People of " *Oceana* have blown up their King, but that their Kings did not " firſt blow up them. The reſt is diſcourſe for Ladys. Wherfore " your Parlaments are not henceforth to com out of the Bag of ÆO- " LUS, but by your Galaxys, to be the perpetual food of the Fire of " VESTA.

" YOUR Galaxys, which divide the Houſe into ſo many Regi- " ons, are three; one of which conſtituting the third Region is an- " nually choſen, but for the term of three years; which cauſes the " Houſe (having at once Bloſſoms, Fruit half ripe, and others drop- " ping off in full maturity) to reſemble an Orange-tree, ſuch as is at " the ſame time an Education or Spring, and a Harveſt too: for the " People have made a very ill choice in the Man, who is not eaſily ca- " pable of the perfect knowlege in one year of the Senatorian Orders; " which knowlege, allowing him for the firſt to have bin a Novice, " brings him the ſecond year to practice, and time enough. For at " this rate you muſt always have two hundred knowing Men in the " Government. And thus the Viciſſitude of your Senators is not per- " ceivable in the ſteadineſs and perpetuity of your Senat; which, like " that of *Venice*, being always changing, is for ever the ſame. And " tho other Politicians have not ſo well imitated their Pattern, there is " nothing more obvious in Nature, ſeeing a man who wears the ſame " Fleſh but a ſhort time, is nevertheleſs the ſame Man, and of the " ſame genius; and whence is this but from the Conſtancy of Nature, " in holding a Man to her Orders? Wherfore keep alſo to your Or- " ders. But this is a mean Requeſt, your Orders will be worth little, if " they do not hold you to them; wherfore imbark. They are like a " Ship, if you be once aboard, you do not carry them, but they you; " and ſee how *Venice* ſtands to her tackling: you will no more for- " ſake them, than you will leap into the Sea.

" BUT they are very many, and difficult. O, my Lords, what " Seaman caſts away his Card, becauſe it has four and twenty Points " of the Compaſs? and yet thoſe are very near as many, and as dif- " ficult as the Orders in the whole Circumference of your Common- " wealth. Conſider, how have we bin toſt with every wind of Doc- " trin, loſt by the glib Tongues of your Demagogs and Grandees in " our own Havens? A company of Fidlers that have diſturb'd your " reſt for your Groat; two to one, three thouſand pounds a year to " another, has bin nothing. And for what? Is there one of them " that yet knows what a Commonwealth is? And are you yet afraid " of ſuch a Government in which theſe ſhall not dare to ſcrape, for " fear of the Statute? THEMISTOCLES could not fiddle, but could " make of a ſmall City a great Commonwealth: theſe have fiddel'd, " and for your Mony, till they have brought a great Commonwealth " to a ſmall City.

" IT grieves me, while I conſider how, and from what cauſes " imaginary Difficultys will be aggravated, that the foregoing Orders " are not capable of any greater clearneſs in diſcourſe or writing: " But if a man ſhould make a Book, deſcribing every trick and paſ- " ſage, it would fare no otherwiſe with a game at Cards; and this is " no more, if a man plays upon the ſquare. *There is a great diffe-* " *rence*, ſays VERULAMIUS, *between a cunning Man and a wiſe* " *Man*

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" *Man* (between a Demagog and a Legiſlator) *not only in point of* " *honeſty, but in point of ability : As there be that can pack the Cards,* " *and yet cannot play well ; ſo there be ſom that are good in Canvaſſes* " *and Factions, that are otherwiſe weak men.* Allow me but theſe Or- " ders, and let them com with their Cards in their ſleeves, or pack " if they can. *Again*, ſays he, *it is one thing to underſtand Perſons,* " *and another to underſtand Matters ; for many are perfect in men's hu-* " *mors, that are not greatly capable of the real part of Buſineſs : which* " *is the Conſtitutian of one that has ſtudy'd Men more than Books. But* " *there is nothing more hurtful in a State, than that cunning men ſhould* " *paſs for wiſe.* His words are an Oracle. As DIONYSIUS, when " he could no longer exerciſe his Tyranny among men, turn'd School- " maſter, that he might exerciſe it among Boys. Allow me but theſe " Orders, and your Grandees ſo well ſkill'd in the Baits and Palats of " Men, ſhall turn Ratcatchers.

" AND wheras *Councils* (as is diſcretely obſerv'd by the ſame " Author in his time) *are at this day, in moſt places, but familiar meet-* " *ings* (ſomwhat like the Academy of our Provoſts) *where matters* " *are rather talk'd on than debated, and run too ſwift to order an Act of* " *Council* ; give me my Orders, and ſee if I have not puzzel'd your " Demagogs.

" IT is not ſo much my deſire to return upon hants, as theirs that " will not be ſatisfy'd ; wherfore if, notwithſtanding what was ſaid " of dividing and chuſing in our preliminary Diſcourſes, men will yet " be returning to the Queſtion, Why the Senat muſt be a Council a- " part (tho even in *Athens*, where it was of no other Conſtitution " than the popular Aſſembly, the diſtinction of it from the other was " never held leſs than neceſſary) this may be added to the former " Reaſons, that if the Ariſtocracy be not for the Debate, it is for no- " thing ; but if it be for debate, it muſt have convenience for it : And " what convenience is there for debate in a croud, where there is no- " thing but joſtling, treading upon one another, and ſtirring of " Blood, than which in this caſe there is nothing more dangerous ? " Truly, it was not ill ſaid of my Lord EPIMONUS, That *Venice* " plays her game, as it were, at Billiards or Nineholes ; and ſo " may your Lordſhips, unleſs your Ribs be ſo ſtrong, that you think " better of Footbal : for ſuch ſport is Debate in a popular Aſſembly, " as, notwithſtanding the diſtinction of the Senat, was the deſtruc- " tion of *Athens*.

THIS Speech concluded the Debate which happen'd at the Inſtitution of the Senat. The next Aſſembly is that of the People or Prerogative Tribe.

The Face of the Prerogative Tribe.

THE face, or mien of the Prerogative Tribe for the Arms, the Horſes, and the Diſciplin, but more eſpecially for the ſelect men, is that of a very noble Regiment, or rather of two ; the one of Horſe, divided into three Troops, (beſides that of the Provinces, which will be ſhewn hereafter) with their Captains, Cornets, and two Tribuns of the Horſe at the head of them ; the other of Foot in three Companys (beſides that of the Provinces) with their Captains, Enſigns, and two Tribuns of the Foot at the head of them. The firſt Troop is call'd the *Phœnix* ; the ſecond the *Pelican* ; and the third the *Swallow*. The firſt Company the *Cypreſs* ; the ſecond the *Myrtle* ; and the third the

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the *Spray*. Of theſe again (not without a near reſemblance of the *Roman* diviſion of a Tribe) the *Phœnix* and the *Cypreſs* conſtitute the firſt claſs; the *Pelican* and the *Myrtle* the ſecond; and the *Swallow* with the *Spray* the third, renew'd every Spring by

21. Order. *The Change or Election of the Triennial Officers of the Prerogative.*

THE one and twentieth ORDER, *directing, that upon every Monday next inſuing the laſt of* March, *the Deputys of the annual Galaxy arriving at the Pavilion in the* Halo, *and electing one Captain and one Cornet of the* Swallow *(triennial Officers) by and out of the Cavalry at the Horſe Urn, according to the Rules contain'd in the Ballot of the Hundred; and one Captain with one Enſign of the* Spray *(triennial Officers) by and out of the Infantry at the Foot Urn, after the ſame way of ballotting; conſtitute and becom the third Claſſes of the Prerogative Tribe.*

SEVEN Deputys are annually return'd by every Tribe, wherof three are Horſe, and four are Foot; and there be fifty Tribes: ſo the *Swallow* muſt conſiſt of 150 Horſe, the *Spray* of 200 Foot. And the reſt of the Claſſes being two, each of them in number equal; the whole Prerogative (beſides the Provinces, that is, the Knights and Deputys of *Marpeſia* and *Panopea*) muſt conſiſt of 1050 Deputys. And theſe Troops and Companys may as well be call'd Centurys as thoſe of the *Romans*; for the *Romans* related not, in ſo naming theirs, to the number. And wheras they were diſtributed according to the valuation of their Eſtates, ſo are theſe; which by virtue of the laſt Order, are now accommodated with their triennial Officers. But there be others appertaining to this Tribe, whoſe Election, being of far greater importance, is annual, as follows in

22. Order. *The Charge or Election of the Annual Magiſtrats of the Prerogative.*

THE twenty-ſecond ORDER; *wherby the firſt Claſs having elected their triennial Officers, and made Oath to the Old Tribuns, that they will neither introduce, cauſe, nor to their power ſuffer Debate to be introduc'd into any popular Aſſembly of this Government, but to their utmoſt be aiding and aſſiſting to ſeize and deliver any Perſon or Perſons in that way offending, and ſtriking at the Root of this Commonwealth, to the Council of War; are to procede with the other two Claſſes of the Prerogative Tribe to election of the new Tribuns, being four annual Magiſtrats, wherof two are to be elected out of the Cavalry at the Horſe Urn, and two out of the Infantry at the Foot Urn, according to the common Ballot of the Tribes. And they may be promiſcuouſly choſen out of any Claſſis, provided that the ſame Perſon ſhall not be capable of bearing the Tribunitian Honor twice in the term of one Galaxy. The Tribuns thus choſen ſhall receive the Tribe (in reference to the Power of muſtering and diſciplining the ſame) as Commanders in chief; and for the reſt as Magiſtrats, whoſe proper Function is preſcrib'd by the next Order. The Tribuns may give leave to any number of the Prerogative, not exceeding one hundred at a time, to be abſent, ſo they be not Magiſtrats, nor Officers, and return within three months. If a Magiſtrat or Officer has a neceſſary occaſion, he may alſo be abſent for the ſpace of one month; provided, that there be not above three Cornets or Enſigns, two Captains, or one Tribun ſo abſent at one time.*

TO this the ARCHON ſpoke at the Inſtitution after this manner.

My

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My Lords ;

" IT is affirm'd by CICERO in his Oration for FLACCUS, that " the Commonwealths of *Greece* were all ſhaken or ruin'd by " the intemperance of their *Comitia*, or Aſſemblys of the People. " The truth is, if good heed in this point be not taken, a Common- " wealth will have bad legs. But all the world knows he ſhould have " excepted *Lacedemon*, where the People, as has bin ſhewn by the " Oracle, had no power at all of Debate, nor (till after LYSAN- " DER, whoſe Avarice open'd a gulf, that was not long e'er it ſwal- " low'd up his Country) came it ever to be exercis'd by them. " Whence that Commonwealth ſtood longeſt and firmeſt of any " other, but this, in our days, of *Venice* : which having underlaid " her ſelf with the like Inſtitution, ows a great, if not the greateſt " part of her ſteddineſs to the ſame principle ; the great Council, " which is with her the People, by the Authority of my Lord " EPIMONUS, never ſpeaking a word. Nor ſhall any Common- " wealth, where the People in their political capacity is talkative, ever " ſee half the days of one of theſe : But being carry'd away by vain- " glorious Men (that, as OVERBURY ſays, piſs more than they " drink) ſwim down the ſtream ; as did *Athens*, the moſt prating of " theſe Dames, when that ſame ranting fellow ALCIBIADES fell " a demagoging for the *Sicilian* War. But wheras Debate by the " authority and experience of *Lacedemon* and *Venice*, is not to be com- " mitted to the People in a well-order'd Government, it may be ſaid, " That the Order ſpecify'd is but a ſlight bar in a matter of like dan- " ger ; for ſo much as an Oath, if there be no recourſe upon the " breach of it, is a weak ty for ſuch hands as have the Sword in " them : wherfore what ſhould hinder the People of *Oceana*, if they " happen not to regard an Oath, from aſſuming Debate, and making " themſelves as much an Anarchy as thoſe of *Athens* ? To which I " anſwer, Take the common ſort in a privat capacity, and, except " they be injur'd, you ſhall find them to have a baſhfulneſs in the " preſence of the better ſort, or wiſer Men ; acknowleging their " Abilitys by attention, and accounting it no mean honor to receive " reſpect from them : But if they be injur'd by them, they hate them, " and the more for being wiſe or great, becauſe that makes it the " greater injury. Nor refrain they in this caſe from any kind of im- " temperance of Speech, if of Action. It is no otherwiſe with a " People in their political capacity ; you ſhall never find that they have " aſſum'd Debate for it ſelf, but for ſomthing elſe. Wherfore in *La-* " *cedemon* where there was, and in *Venice* where there is nothing " elſe for which they ſhould aſſume it, they have never ſhewn ſo " much as an inclination to it. Nor was there any appearance of ſuch " a deſire in the People of *Rome* (who from the time of ROMULUS " had bin very well contented with the power of Reſult either in the " * Parochial Aſſemblys, as it was ſettled upon them by him ; or in " the meetings of the † Hundreds, as it was alter'd in their regard for " the worſe by SERVIUS TULLIUS) till news was brought ſom " fifteen years after the exile of TARQUIN their late King (during

* Comitiis Curiatis. † Centuriatis.

" which

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" which time the Senat had govern'd pretty well) that he was dead " at the Court of ARISTODEMUS the Tyrant of *Cumæ*. * Where- " upon the *Patricians*, or Nobility, began to let out the hitherto- " diſſembl'd Venom, which is inherent in the root of Oligarchy, " and fell immediatly upon injuring the People beyond all modera- " tion. For wheras the People had ſerv'd both gallantly and con- " tentedly in Arms upon their own charges, and, tho joint Purchaſers " by their Swords of the Conquer'd Lands, had not participated in " the ſame to above two Acres a man (the reſt being ſecretly " uſurp'd by the *Patricians*) they thro the meanneſs of their ſupport, " and the greatneſs of their expence, being generally indebted, no " ſooner return'd home with Victory to lay down their Arms, than " they were ſnatch'd up by their Creditors, the Nobility, to cram " Goals. Wherupon, but with the greateſt modeſty that was ever " known in the like caſe, they firſt fell upon debate, affirming, † *that* " *they were oppreſt and captivated at home, while abroad they fought for* " *Liberty and Empire; and that the Freedom of the common People was* " *ſafer in time of War than Peace, among their Enemys than their Fellow-* " *citizens*. It is true, that when they could not get the Senat, thro " fear, as was pretended by the *Patricians*, to aſſemble and take their " grievances into conſideration, they grew ſo much the warmer, that " it was glad to meet; where APPIUS CLAUDIUS, a fierce ſpirit, " was of opinion, that recourſe ſhould be had to Conſular power, " wherby ſom of the brands of Sedition being taken off, the flame " might be extinguiſh'd. SERVILIUS being of another temper, thought " it better and ſafer to try if the People might be bow'd than broken. " But this debate was interrupted by tumultuous news of the near " approach of the *Volſci*, a caſe in which the Senat had no recourſe " but to the People, who contrary to their former cuſtom upon the " like occaſions would not ſtir a foot, but fell a laughing, and ſaying, " || Let them fight that have ſomthing to fight for. The Senat that " had purſes, and could not ſing ſo well before the Thief, being " in a great perplexity, found no poſſible way out of it, but to be- " ſeech SERVILIUS, one of a Genius well known to be popular, " That he would accept of the Conſulſhip, and make ſom ſuch uſe of " it as might be helpful to the *Patrician* Intereſt. SERVILIUS ac- " cepting of the Offer, and making uſe of his Intereſt with the Peo- " ple, perſuaded them to hope well of the good intention of the Fa- " thers, whom it would little beſeem to be forc'd to thoſe things which " would loſe their Grace, and that in view of the Enemy, if they " came not freely; and withal publiſh'd an Edict, that no Man " ſhould withhold a Citizen of *Rome* by impriſonment from giving " his name (for that was the way, as I ſhall have opportunity here- " after to ſhew more at large, wherby they drew out their Armys) " nor to ſeize or ſell any man's Goods or Children that was in the " Camp. Wherupon the People with a mighty concourſe immediat- " ly took Arms, march'd forth, and (which to them was as eaſy as " to be put into the humor, and that, as appears in this place, was not

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* Eo nuncio erecti patres, erecta plebs. Sed patribus nimis luxurioſa ea fuit lætitia; plebi, cui ad eam diem ſummâ ope inſervitum erat, injuriæ à primoribus fieri cœpêre. *Liv. l. 2.*

† Se foris pro libertate & imperio dimicantes, domi a civibus captos & oppreſſos eſſe: tutioremque in bello quam in pace, inter hoſtes quam inter cives, libertatem plebis eſſe. || Patres militarent, patres arma caperent, ut penes eoſdem pericula belli, penes quos præmia, eſſent.

" hard)

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" hard) totally defeated the *Volſci* firſt, then the *Sabins* (for the " neighbor Nations, hoping to have had a good bargain of the Diſ- " cord in *Rome*, were up in arms on all ſides) and after the *Sabins*, " the *Aurunci*. Whence returning victorious in three Battels, they " expected no leſs than that the Senat would have made good their " words: when APPIUS CLAUDIUS, the other Conſul, of his in- " nate Pride, and that he might fruſtrat the Faith of his Collegue, " caus'd the Soldiers (who being ſet at liberty, had behav'd them- " ſelves with ſuch valor) to be reſtor'd at their return to their Credi- " tors and their Goals. Great reſort upon this was made by the Peo- " ple to SERVILIUS, ſhewing him their Wounds, calling him to " witneſs how they had behav'd themſelves, and minding him of " his promiſe. Poor SERVILIUS was ſorry, but ſo overaw'd with " the headineſs of his Collegue, and the obſtinacy of the whole " faction of the Nobility, that not daring to do any thing either way, " he loſt both Partys: the Fathers conceiving that he was ambitious, " and the People that he was falſe; while the Conſul CLAUDIUS " continuing to countenance ſuch as daily ſeiz'd and impriſon'd ſom of " the indebted People, had ſtill new and dangerous Controverſys with " them, inſomuch that the Commonwealth was torn with horrid " Diviſion, and the People (becauſe they found it not ſo ſafe, or ſo " effectual in public) minded nothing but laying their heads toge- " ther in privat Conventicles. For this AULUS VIRGINIUS, and " TITUS VETUSIUS, the new Conſuls, were reprov'd by the " Senat as ſlothful, and upbraided with the Virtue of APPIUS " CLAUDIUS. Wherupon the Conſuls having deſir'd the Senat, " that they might know their pleaſure, ſhew'd afterwards their " readineſs to obey it, by ſummoning the People according to com- " mand, and requiring names wherby to draw forth an Army for di- " verſion, but no man would anſwer. Report hereof being made to " the Senat, the younger ſort of the Fathers grew ſo hot with the " Conſuls, that they deſir'd them to abdicat the Magiſtracy, which " they had not the courage to defend.

" THE Conſuls, tho they conceiv'd themſelves to be roughly " handled, made this ſoft Anſwer: *Fathers Conſcript*, that you may " pleaſe to take notice it was foretold ſom horrid Sedition is at hand, " we ſhall only deſire, that they whoſe valor in this place is ſo great, " may ſtand by us to ſee how we behave our ſelves, and then be as " reſolute in your Commands as you will: your Fatherhoods may " know if we be wanting in the performance.

" AT this ſom of the hot young Noblemen return'd with the " Conſuls to the Tribunal, before which the People were yet ſtand- " ing; and the Conſuls having generally requir'd names in vain, to " put it to ſomething, requir'd the name of one that was in their ey " particularly; on whom, when he mov'd not, they commanded a " Lictor to lay hands: but the People thronging about the Party " ſummon'd, forbad the Lictor, who durſt not touch him; at which " the Hotſpurs that came with the Conſuls, inrag'd by the affront, " deſcended from the Throne to the aid of the Lictor; from whom " in ſo doing they turn'd the indignation of the People upon them- " ſelves with ſuch heat, that the Conſuls interpoſing, thought fit, by " remitting the Aſſembly, to appeaſe the Tumult; in which never- " theleſs there had bin nothing but noiſe. Nor was there leſs in the

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" Senat, being ſuddenly rally'd upon this occaſion, where they that " receiv'd the repulſe, with others whoſe heads were as addle as their " own, fell upon the buſineſs as if it had bin to be determin'd by cla- " mor, till the Conſuls, upbraiding the Senat that it differ'd not from " the Marketplace, reduc'd the Houſe to Orders. And the Fathers " having bin conſulted accordingly, there were three Opinions; PUB- " LIUS VIRGINIUS conceiv'd, that the conſideration to be had up- " on the matter in queſtion, or aid of the indebted and impriſon'd " People, was not to be further extended than to ſuch as had in- " gag'd upon the promiſe made by SERVILIUS: TITUS LAR- " GIUS, that it was no time to think it enough, if mens Merits were " acknowleg'd, while the whole People, ſunk under the weight of " their debts, could not emerge without ſom common aid; which to " reſtrain, by putting ſom into a better condition than others, would " rather more inflame the Diſcord than extinguiſh it. APPIUS " CLAUDIUS (ſtill upon the old hant) would have it, that the " People were rather wanton than fierce: It was not oppreſſion that " neceſſitated, but their power that invited them to theſe freaks; the " Empire of the Conſuls ſince the appeal to the People (wherby a " Plebeian might aſk his fellows if he were a Thief) being but a " mere ſcarecrow. Go to, ſays he, let us create the Dictator, from " whom there is no appeal, and then let me ſee more of this work, " or him that ſhall forbid my Lictor. The advice of APPIUS was " abhor'd by many; and to introduce a general reciſion of Debts with " LARGIUS, was to violat all Faith: That of VIRGINIUS, as " the moſt moderat, would have paſt beſt, but that there were privat " Intereſts, that conſtant bane of the Public, which withſtood it. " So they concluded with APPIUS, who alſo had bin Dictator, if " the Conſuls and ſom of the graver ſort had not thought it altoge- " ther unſeaſonable, at a time when the *Volſci* and the *Sabins* were up " again, to venture ſo far upon alienation of the People: for which " cauſe VALERIUS, being deſcended from the PUBLICOLAS, the " moſt popular Family, as alſo in his own perſon of a mild nature, " was rather truſted with ſo rigid a Magiſtracy. Whence it hap- " pen'd, that the People, tho they knew well enough againſt whom " the Dictator was created, fear'd nothing from VALERIUS; but " upon a new promiſe made to the ſame effect with that of SERVI- " LIUS, hop'd better another time, and throwing away all diſputes, " gave their names roundly, went out, and to be brief, came home " again as victorious as in the former Action, the Dictator entring the " City in Triumph. Nevertheleſs when he came to preſs the Senat " to make good his promiſe, and do ſomthing for the eaſe of the Peo- " ple, they regarded him no more as to that point than they had don " SERVILIUS. Wherupon the Dictator, in diſdain to be made a " ſtale, abdicated his Magiſtracy, and went home. Here then was " a victorious Army, without a Captain, and a Senat pulling it by the " beard in their Gowns. What is it (if you have read the Story, for " there is not ſuch another) that muſt follow? Can any man imagin, " that ſuch only ſhould be the opportunity upon which this People " could run away? Alas, poor men, the *Æqui* and the *Volſci*, and the " *Sabins* were nothing, but the Fathers invincible! There they ſat " ſome three hundred of them arm'd all in Robes, and thundering with " their Tongues, without any hopes in the earth to reduce them to " any

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" any tolerable conditions. Wherfore, not thinking it convenient to " abide long ſo near them, away marches the Army, and incamps in " the fields. This Retreat of the People is call'd the *Seceſſion of Mount* " *Aventin*, where they lodg'd very ſad at their condition; but not let- " ting fall ſo much as a word of murmur againſt the Fathers. The " Senat by this time were great Lords, had the whole City to them- " ſelves; but certain Neighbours were upon the way that might com " to ſpeak with them, not aſking leave of the Porter. Wherfore " their minds became troubl'd, and an Orator was poſted to the Peo- " ple to make as good conditions with them as he could; but, what- " ever the terms were, to bring them home, and with all ſpeed. " And here it was covenanted between the Senat and the People, that " theſe ſhould have Magiſtrats of their own Election, call'd the *Tri-* " *buns*; upon which they return'd.

" TO hold you no longer, the Senat having don this upon ne- " ceſſity, made frequent attempts to retract it again; while the Tri- " buns on the other ſide, to defend what they had got, inſtituted their " *Tributa Comitia*, or Council of the People; where they came in time, " and, as Diſputes increas'd, to make Laws without the Authority of " the Senat, call'd *Plebiſcita*. Now to conclude in the point at which " I drive; ſuch were the ſteps wherby the People of *Rome* came to " aſſume Debate: nor is it in Art or Nature to debar a People of the " like effect, where there is the like cauſe. For ROMULUS having " in the Election of his Senat ſquar'd out a Nobility for the ſupport " of a Throne, by making that of the *Patricians* a diſtinct and here- " ditary Order, planted the Commonwealth upon two contrary In- " tereſts or Roots, which ſhooting forth in time produc'd two Com- " monwealths, the one Oligarchical in the Nobility, the other a mere " Anarchy of the People, and ever after caus'd a perpetual feud and " enmity between the Senat and the People, even to death.

" THERE is not a more noble or uſeful queſtion in the Politics " than that which is ſtarted by MACHIAVEL, Whether means " were to be found wherby the Enmity that was between the Senat " and the People of *Rome* could have bin remov'd? Nor is there " any other in which we, or the preſent occaſion, are ſo much con- " cern'd, particularly in relation to this Author; foraſmuch as his " Judgment in the determination of the queſtion ſtanding, our Com- " monwealth falls. And he that will erect a Commonwealth againſt " the Judgment of MACHIAVEL, is oblig'd to give ſuch reaſons " for his enterprize as muſt not go a begging. Wherfore to repeat " the Politician very honeſtly, but ſomwhat more briefly, he diſputes " thus.

" *THERE be two ſorts of Commonwealths, the one for preſerva-* Mach. Diſc. " *tion, as* Lacedemon *and* Venice; *the other for increaſe, as* Rome. B. 1. c. 6.

" LACEDEMON *being govern'd by a King and a ſmall Senat,* " *could maintain it ſelf a long time in that condition, becauſe the Inha-* " *bitants, being few, having put a bar upon the reception of Strangers,* " *and living in a ſtrict obſervation of the Laws of* LYCURGUS, *which* " *now had got reputation, and taken away all occaſion of Tumults, might* " *well continue long in Tranquillity. For the Laws of* LYCURGUS *in-* " *troduc'd a greater equality in Eſtates, and a leſs equality in Honours,* " *whence there was equal Poverty; and the* Plebeians *were leſs ambitious,* " *becauſe the Honors or Magiſtracys of the City could extend but to a few,*

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" *and were not communicable to the People: nor did the Nobility by using*
" *them ill, ever give them a desire to participat of the same. This pro-*
" *ceded from the Kings, whose Principality being plac'd in the midst of the*
" *Nobility, had no greater means wherby to support it self, than to shield*
" *the People from all injury; whence the People not fearing Empire, desir'd*
" *it not: And so all occasion of enmity between the Senat and the People*
" *was taken away. But this Union happen'd especially from two causes;*
" *the one, that the Inhabitants of* Lacedemon *being few, could be govern'd*
" *by the Few: the other, that, not receiving Strangers into their Com-*
" *monwealth, they did not corrupt it, nor increase it to such a proportion*
" *as was not governable by the Few.*

" VENICE *has not divided with her Plebeians, but all are call'd Gen-*
" *tlemen that be in administration of the Government; for which Govern-*
" *ment she is more beholden to Chance than the Wisdom of her Lawmakers:*
" *For many retiring to those Islands, where that City is now built, from the*
" *inundations of* Barbarians *that overwhelm'd the* Roman *Empire, when*
" *they were increas'd to such a number, that to live together it was necessary*
" *to have Laws; they ordain'd a form of Government, wherby assembling*
" *often in Council upon Affairs, and finding their number sufficient for Go-*
" *vernment, they put a bar upon all such as repairing afterwards to their City*
" *should becom Inhabitants, excluding them from participation of Power.*
" *Whence they that were included in the Administration had right; and they*
" *that were excluded, coming afterwards, and being receiv'd upon no other*
" *conditions to be Inhabitants, had no wrong; and therfore had no occasion, nor*
" *(being never trusted with Arms) any means to be tumultuous. Wher-*
" *fore this Commonwealth might very well maintain it self in Tranquillity.*

" *THESE things consider'd, it is plain that the* Roman *Legislators,*
" *to have introduc'd a quiet State, must have don one of these two things;*
" *either shut out Strangers, as the* Lacedemonians; *or, as the* Venetians,
" *not allow'd the People to bear Arms. But they did neither. By which*
" *means the People having power and increase, were in perpetual tumult.*
" *Nor is this to be help'd in a Commonwealth for increase, seeing if* Rome
" *had cut off the occasion of her Tumults, she must have cut off the means*
" *of her Increase, and by consequence of her Greatness.*

" *Wherfore let a Legislator consider with himself, whether he would make*
" *his Commonwealth for preservation, in which case she may be free from*
" *Tumults; or for increase, in which case she must be infested with them.*

" *IF he makes her for preservation, she may be quiet at home; but will*
" *be in danger abroad.* First, *Because her Foundation must be narrow,*
" *and therfore weak, as that of* Lacedemon, *which lay but upon* 30000
" *Citizens; or that of* Venice, *which lys but upon* 3000. Secondly,
" *Such a Commonwealth must either be in Peace, or War: If she be in*
" *Peace, the Few are sooneſt effeminated and corrupted, and so obnoxious*
" *also to Faction. If in War, succeding ill, she is an easy prey; or suc-*
" *ceding well, ruin'd by increase: a weight which her Foundation is not a-*
" *ble to bear. For* Lacedemon, *when she had made her self Mistris, upon*
" *the matter, of all* Greece, *thro a slight accident, the Rebellion of* Thebes,
" *occasion'd by the Conspiracy of* PELOPIDAS *discovering this infirmity*
" *of her nature, the rest of her conquer'd Citys immediatly fell off, and*
" *in the turn as it were of a hand reduc'd her from the fullest tide to the*
" *lowest eb of her fortune. And* Venice *having possest her self of a great*
" *part of* Italy *by her purse, was no sooner in defence of it put to the trial*
" *of Arms, than she lost all in one Battel.*

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" *WHENCE I conclude, That in the Ordination of a Common-*
" *wealth a Legiſlator is to think upon that which is moſt honourable; and*
" *laying aſide Models for Preſervation, to follow the example of* Rome
" *conniving at, and temporizing with the enmity between the Senat and*
" *the People, as a neceſſary ſtep to the* Roman *Greatneſs. For that any*
" *Man ſhould find out a balance that may take in the Conveniences, and*
" *ſhut out the Inconveniences of both, I do not think it poſſible.* Theſe
" are the words of the Author, tho the method be ſomewhat alter'd,
" to the end that I may the better turn them to my purpoſe.

" MY LORDS, I do not know how you hearken to this ſound;
" but to hear the greateſt Artiſt in the modern World, giving ſentence
" againſt our Commonwealth, is that with which I am nearly con-
" cern'd. Wherfore, with all honor due to the Prince of Politicians,
" let us examin his reaſoning with the ſame liberty which he has aſſert-
" ed to be the right of a free People. But we ſhall never com up to
" him, except by taking the buſineſs a little lower, we deſcend from
" effects to their cauſes. The cauſes of Commotion in a Common-
" wealth are either external or internal. External are from Enemys,
" from Subjects, or from Servants. To diſpute then what was the cauſe
" why *Rome* was infeſted by the *Italian*, or by the Servil Wars; why
" the Slaves took the Capitol; why the *Lacedemonians* were near as
" frequently troubl'd with their Helots, as *Rome* with all thoſe; or
" why *Venice*, whoſe Situation is not truſted to the faith of Men, has
" as good or better quarter with them whom ſhe governs, than *Rome*
" had with the *Latins*; were to diſpute upon external cauſes. The
" queſtion put by MACHIAVEL is of internal cauſes; Whether
" the enmity that was between the Senat and the People of *Rome*
" might have bin remov'd. And to determin otherwiſe of this queſ-
" tion than he dos, I muſt lay down other Principles than he has don.
" To which end I affirm, that a Commonwealth internally con-
" ſider'd, is either equal or inequal. A Commonwealth that is inter-
" nally equal, has no internal cauſe of Commotion, and therfore can
" have no ſuch effect but from without. A Commonwealth inter-
" nally inequal has no internal cauſe of quiet, and therefore can have
" no ſuch effect but by diverſion.

" TO prove my Aſſertions, I ſhall at this time make uſe of no
" other than his examples. *Lacedemon* was externally unquiet, be-
" cauſe ſhe was externally inequal, that is as to her *Helots*; and ſhe
" was internally at reſt, becauſe ſhe was equal in her ſelf, both in
" root and branch: In the root by her Agrarian, and in branch by
" the Senat, inaſmuch as no Man was therto qualify'd, but by election
" of the People. Which Inſtitution of LYCURGUS is mention'd Ariſt. Polit.
" by ARISTOTLE, where he ſays, that rendering his Citizens B. 2.
" emulous (not careleſs) of that honor, he aſſign'd to the People
" the election of the Senat. Wherfore MACHIAVEL in this, as
" in other places, having his ey upon the diviſion of *Patrician* and
" *Plebeian* Familys as they were in *Rome*, has quite miſtaken the Or-
" ders of this Commonwealth, where there was no ſuch thing. Nor
" did the quiet of it derive from the Power of the Kings, who were
" ſo far from ſhielding the People from the injury of the Nobility, of
" which there was none in his ſenſe but the Senat, that one declar'd
" end of the Senat at the inſtitution was to ſhield the People from the
" Kings, who from that time had but ſingle Votes. Neither did it

" pro-

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" procede from the ſtraitneſs of the Senat, or their keeping the People " excluded from the Government, that they were quiet, but from " the equality of their adminiſtration, ſeeing the Senat (as is plain " by the Oracle, their fundamental Law) had no more than the De- " bate, and the Reſult of the Commonwealth belong'd to the People. " Wherfore when THEOPOMPUS and POLYDORUS Kings of *La-* " *cedemon*, would have kept the People excluded from the Govern- " ment, by adding to the antient Law this Clauſe, *If the determina-* " *tion of the People be faulty, it ſhall be lawful for the Senat to reſume* " *the Debate*; the People immediatly became unquiet, and reſum'd " that Debate, which ended not till they had ſet up their *Ephors*, and " caus'd that Magiſtracy to be confirm'd by their Kings. * *For when* " THEOPOMPUS *firſt ordain'd that the* Ephori *or Overſeers ſhould be* " *created at* Lacedemon, *to be ſuch a reſtraint upon the Kings there as the* " *Tribuns were upon the Conſuls at* Rome, *the Queen complain'd to him,* " *that by this means he tranſmitted the Royal Authority greatly dimi-* " *niſh'd to his Children: I leave indeed leſs*, anſwer'd he, *but more laſting.* " *And this was excellently ſaid; for that Power only is ſafe which is li-* " *mited from doing hurt.* THEOPOMPUS *therfore, by confining the* " *Kingly Power within the bounds of the Laws, did recommend it by ſo* " *much to the People's Affection, as he remov'd it from being Arbitrary.* " By which it may appear, that a Commonwealth for preſervation, if " ſhe coms to be inequal, is as obnoxious to enmity between the " Senat and the People, as a Commonwealth for increaſe; and that " the Tranquillity of *Lacedemon* was deriv'd from no other cauſe than " her Equality.

" FOR *Venice*, to ſay that ſhe is quiet becauſe ſhe diſarms her " Subjects, is to forget that *Lacedemon* diſarm'd her *Helots*, and yet " could not in their regard be quiet; wherfore if *Venice* be defended " from external cauſes of Commotion, it is firſt thro her Situation, in " which reſpect her Subjects have no hope (and this indeed may be " attributed to her fortune) and, ſecondly, thro her exquiſit Juſtice, " whence they have no will to invade her. But this can be attributed " to no other cauſe than her Prudence; which will appear to be grea- " ter, as we look nearer; for the effects that procede from Fortune, if " there be any ſuch thing, are like their cauſe, inconſtant. But " there never happen'd to any other Commonwealth ſo undiſturb'd " and conſtant a Tranquillity and Peace in her ſelf, as is in that of " *Venice*; wherfore this muſt procede from ſom other cauſe than " Chance. And we ſee that as ſhe is of all others the moſt " quiet, ſo the moſt equal Commonwealth. Her Body conſiſts of " one Order, and her Senat is like a rolling ſtone, as was ſaid, which " never did, nor, while it continues upon that rotation, never ſhall " gather the moſs of a divided or ambitious intereſt; much leſs ſuch a " one as that which graſp'd the People of *Rome* in the talons of their " own Eagles. And if MACHIAVEL, averſe from doing this " Commonwealth right, had conſider'd her Orders, as his Reader

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* Nam cum primus inſtituiſſet Theopompus ut Ephori Lacedæmone crearentur, ita futuri regiæ poteſtati oppoſiti quemadmodum Romæ Tribuni plebis conſulari imperio ſunt objecti; atque illi uxor dixiſſet, id egiſſe illum ut filiis minorem poteſtatem relinqueret: Relinquam, inquit, ſed diuturniorem. Optimè quidem: Ea enim demum tuta eſt potentia, quæ viribus ſuis modum imponit. Theopompus igitur legitimis regnum vinculis conſtringendo, quo longius à licentia retraxit, hoc propius ad benevolentiam civium admovit. *Val. Max. l.* 4. *c.* 1. *de externis*, § 8.

" ſhall

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" ſhall eaſily perceive he never did, he muſt have bin ſo far from at-
" tributing the Prudence of them to Chance, that he would have
" touch'd up his admirable work to that perfection, which, as to the
" civil part, has no pattern in the univerſal World but this of *Venice*.

" ROME, ſecure by her potent and victorious Arms from all ex-
" ternal cauſes of Commotion, was either beholden for her Peace at
" home to her Enemys abroad, or could never reſt her head. My
" LORDS, you that are Parents of a Commonwealth, and ſo freer
" Agents than ſuch as are merely natural, have a care. For, as no man
" ſhall ſhew me a Commonwealth born ſtreight, that ever became
" crooked; ſo, no man ſhall ſhew me a Commonwealth born crooked,
" that ever became ſtreight. *Rome* was crooked in her birth, or ra-
" ther prodigious. Her twins the *Patricians* and *Plebeian* Orders
" came, as was ſhewn by the foregoing ſtory, into the World, one
" body but two heads, or rather two bellys: for, notwithſtanding
" the Fable out of ÆSOP, wherby MENENIUS AGRIPPA the Ora-
" tor that was ſent from the Senat to the People at Mount *Aven-*
" *tin*, ſhew'd the Fathers to be the Belly, and the People to be the
" Arms and the Legs (which except that, how ſlothful ſoever it
" might ſeem, they were nouriſh'd, not theſe only, but the whole
" Body muſt languiſh and be diſſolv'd) it is plain, that the Fathers
" were a diſtinct Belly; ſuch a one as took the meat indeed out of
" the People's mouths, but abhorring the Agrarian, return'd it not
" in the due and neceſſary nutrition of a Commonwealth. Never-
" theleſs, as the People that live about the Cataracts of *Nilus* are
" ſaid not to hear the noiſe, ſo neither the *Roman* Writers, nor
" MACHIAVEL the moſt converſant with them, ſeem among ſo
" many of the Tribunitian ſtorms, to hear their natural voice: for
" tho they could not miſs of it ſo far as to attribute them to the ſtrife
" of the People for participation in Magiſtracy, or, in which MA-
" CHIAVEL more particularly joins, to that about the Agrarian; this
" was to take the buſineſs ſhort, and the remedy for the diſeaſe.

" A PEOPLE, when they are reduc'd to miſery and deſpair, be-
" com their own Politicians, as certain Beaſts when they are ſick be-
" com their own Phyſicians, and are carry'd by a natural inſtinct to
" the deſire of ſuch Herbs as are their proper cure; but the People,
" for the greater part, are beneath the Beaſts in the uſe of them.
" Thus the People of *Rome*, tho in their miſery they had recourſe
" by inſtinct, as it were, to the two main Fundamentals of a Com-
" monwealth, participation of Magiſtracy, and the Agrarian, did
" but taſt and ſpit at them, not (which is neceſſary in Phyſic)
" drink down the potion, and in that their healths. For when they
" had obtain'd participation of Magiſtracy, it was but lamely, not to
" a full and equal Rotation in all Elections; nor did they greatly re-
" gard it in what they had got. And when they had attain'd to the
" Agrarian, they neglected it ſo far as to ſuffer the Law to grow ob-
" ſolete: but if you do not take the due doſe of your Medicins (as
" there be ſlight taſts which a man may have of Philoſophy that in-
" cline to Atheiſm) it may chance to be poiſon, there being a like
" taſt of the Politics that inclines to Confuſion, as appears in the
" Inſtitution of the *Roman* Tribuns, by which Magiſtracy and no
" more, the People were ſo far from attaining to Peace, that they in
" getting but ſo much, got but heads for an eternal feud; wheras if

" they

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" they had attain'd in perfection either to the Agrarian, they had in-
" troduc'd the equality and calm of *Lacedemon*, or to Rotation, and
" they had introduc'd that of *Venice:* And ſo there could have bin no
" more enmity between the Senat and the People of *Rome*, than there
" was between thoſe Orders in *Lacedemon*, or is now in *Venice*. Wher-
" fore MACHIAVEL ſeems to me, in attributing the Peace of *Ve-*
" *nice* more to her luck than her prudence, of the whole ſtable to have
" ſaddled the wrong Horſe; for tho *Rome* * in her military part could
" beat it better, beyond all compariſon, upon the ſounding hoof,
" *Venice* for the civil part has plainly had the wings of *Pegaſus*.

" THE whole Queſtion then will com upon this point, Whether
" the People of *Rome* could have obtain'd theſe Orders? And firſt, to
" ſay, that they could not have obtain'd them without altering the
" Commonwealth, is no argument; ſeeing neither could they, with-
" out altering the Commonwealth, have obtain'd their Tribuns, which
" nevertheleſs were obtain'd. And if a man conſiders the poſture
" that the People were in when they obtain'd their Tribuns, they
" might as well, and with as great eaſe (foraſmuch as the reaſon why
" the Nobility yielded to the Tribuns was no other, than that there
" was no remedy) have obtain'd any thing elſe. And for experience,
" it was in the like caſe that the *Lacedemonians* did ſet up their *Ephors*,
" and the *Athenians* after the battel of *Plateæ* bow'd the Senat (ſo hard
" a thing it is for a Commonwealth that was born crooked to becom
" ſtreight) as much the other way. Nor, if it be objected, that this
" muſt have ruin'd the Nobility (and in that depriv'd the Common-
" wealth of the Greatneſs which ſhe acquir'd by them) is this opinion
" holding; but confuted by the ſequel of the ſtory, ſhewing plainly,
" that the Nobility thro' the defect of ſuch Orders, that is to ſay, of
" Rotation and the Agrarian, came to eat up the People: and batten-
" ing themſelves in Luxury, to be, as SALUST ſpeaks of them, † *a*
" *moſt ſluggiſh and lazy Nobility, in whom, beſides the name, there was*
" *no more than in a ſtatue*; and to bring ſo mighty a Commonwealth,
" and of ſo huge a Glory, to ſo deplorable an end. Wherfore means
" might have bin found to remove the enmity that was between the
" Senat and the People of *Rome*.

" MY LORDS, If I have argu'd well, I have given you the com-
" fort and aſſurance, that notwithſtanding the judgment of MA-
" CHIAVEL, your Commonwealth is both ſafe and ſound: but if I
" have not argu'd well, then take the comfort and aſſurance which he
" gives you while he is firm, That a Legiſlator is to lay aſide all other
" examples, and follow that of *Rome* only, conniving and temporizing
" with the enmity between the Senat and the People, as a neceſſary
" ſtep to the *Roman* Greatneſs. Whence it follows, that your Com-
" monwealth, at the worſt, is that which he has given you his word
" is the beſt.

" I HAVE held your Lordſhips long, but upon an account of no
" ſmall importance, which I can now ſum up in theſe few words:
" Where there is a liquoriſhneſs in a popular Aſſembly to debate, it
" proceeds not from the Conſtitution of the People, but of the Com-

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* ——Qui nimbos & non imitabile fulmen
Ære, & cornipedum curſu ſimularat equorum.

† Inertiſſimi nobiles, in quibus, ſicut in ſtatua, præter nomen nihil erat additamenti.

" monwealth,

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" monwealth. Now that your Commonwealth is of ſuch a Conſti-
" tution as is naturally free from this kind of intemperance, is that
" which to make good, I muſt divide the remainder of my Diſcourſe
" into two parts.

" THE Firſt, ſhewing the ſeveral Conſtitutions of the Aſſem-
" blys of the People in other Commonwealths.
" THE Second, comparing our Aſſembly of the People with
" theirs; and ſhewing how it excludes the Inconveniences,
" and embraces the Conveniences of them all.

" IN the beginning of the firſt Part I muſt take notice, that among
" the popular Errors of our days it is no ſmall one, that men imagin
" the antient Governments of this kind to have conſiſted for the moſt
" part of one City, that is, of one Town; wheras by what we have
" learnt of my Lords that open'd them, it appears that there was not
" any conſiderable one of ſuch a Conſtitution but *Carthage*, till this in
" our days of *Venice*.

" FOR to begin with *Iſrael*, it conſiſted of the twelve Tribes, lo-
" cally ſpread or quarter'd throout the whole Territory; and theſe be-
" ing call'd together by Trumpets, conſtituted the Church or Aſſembly
" of the People. The vaſtneſs of this weight, as alſo the ſlowneſs
" thence inavoidable, became a great cauſe (as has bin ſhewn at large
" by my Lord PHOSPHORUS) of the breaking that Commonwealth;
" notwithſtanding that the Temple, and thoſe religious Ceremonys
" for which the People were at leaſt annually oblig'd to repair thither,
" were no ſmall Ligament of the Tribes, otherwiſe but ſlightly tack'd
" together.

" ATHENS conſiſted of four Tribes, taking in the whole People
" both of the City and of the Territory; not ſo gather'd by THE-
" SEUS into one Town, as to exclude the Country, but to the end
" that there might be ſom Capital of the Commonwealth: tho true it
" be, that the Congregation conſiſting of the Inhabitants within the
" Walls, was ſufficient to all intents and purpoſes, without thoſe of
" the Country. Theſe alſo being exceding numerous, became bur-
" denſom to themſelves, and dangerous to the Commonwealth; the
" more for their ill education, as is obſerv'd by XENOPHON and
" POLYBIUS, who compare them to Mariners that in a calm are
" perpetually diſputing and ſwaggering one with another, and never
" lay their hands to the common tackling or ſafety, till they be all in-
" danger'd by ſom ſtorm. Which caus'd THUCYDIDES, when he
" ſaw this People thro the purchaſe of their miſery becom ſo much
" wiſer, as to reduce their *Comitia* or Aſſemblys to five thouſand, to
" ſay in his eighth Book; *And now, at leaſt in my time, the* Athenians
" *ſeem to have order'd their State aright, conſiſting of a moderat temper*
" *both of the Few* (by which he means the Senat of the Bean) *and of the*
" *Many*, or the five thouſand. And he does not only give you his judg-
" ment, but the beſt proof of it; for *this*, ſays he, *was the firſt thing*
" *that, after ſo many misfortunes paſt, made the City again to raiſe her*
" *head*. The place I would deſire your Lordſhips to note, as the firſt
" example that I find, or think is to be found, of a popular Aſſembly
" by way of Repreſentative.

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" LACEDEMON conſiſted of thirty thouſand Citizens diſpers'd " throout *Laconia*, one of the greateſt Provinces in all *Greece*, and di- " vided, as by ſom Authors is probable. into ſix Tribes. Of the " whole Body of theſe, being gather'd, conſiſted the great Church or " Aſſembly, which had the Legiſlative Power; the little Church, ga- " ther'd ſomtimes for Matters of concern within the City, conſiſted of " the *Spartans* only. Theſe happen'd, like that of *Venice*, to be good " Conſtitutions of a Congregation, but from an ill cauſe the infirmity " of a Commonwealth, which thro' her paucity was Oligarchical.

" WHERFORE, go which way you will, it ſhould ſeem, that " without a Repreſentative of the People, your Commonwealth " conſiſting of a whole Nation, can never avoid falling either into " Oligarchy or Confuſion.

" THIS was ſeen by the *Romans*, whoſe ruſtic Tribes extending " themſelves from the River *Arno* to the *Vulturnus*, that is, from *Fe-* " *ſulæ* or *Florence* to *Capua*, invented a way of Repreſentative by Lots: " the Tribe upon which the firſt fell, being the Prerogative; and ſom " two or three more that had the reſt, the *Jure vocatæ*. Theſe gave " the Suffrage of the Commonwealth in * two meetings; the Prero- " gative at the firſt Aſſembly, and the *Jure vocatæ* at a ſecond.

" NOW to make the parallel, all the Inconveniences that you have " obſerv'd in theſe Aſſemblys are ſhut out, and all the Conveniences " taken into your Prerogative. For firſt it is that for which *Athens*, " ſhaking off the blame of XENOPHON and POLYBIUS, came to " deſerve the praiſe of THUCYDIDES, a Repreſentative. And, ſe- " condly, not as I ſuſpect in that of *Athens*, and is paſt ſuſpicion in " this of *Rome*, by lot, but by ſuffrage, as was alſo the late Houſe of " Commons, by which means in your Prerogatives all the Tribes of " *Oceana* are *Jure vocatæ*; and if a man ſhall except againſt the pau- " city of the ſtanding number, it is a wheel, which in the revolution " of a few years turns every hand that is fit, or fits every hand that it " turns to the public work. Moreover, I am deceiv'd if upon due " conſideration it dos not fetch your Tribes, with greater equality and " eaſe to themſelves and to the Government, from the Frontiers of " *Marpeſia*, than *Rome* ever brought any one of hers out of her *Pomæria*, " or the neareſt parts of her adjoining Territorys. To this you may " add, That wheras a Commonwealth, which in regard of the Peo- " ple is not of facility in execution, were ſure enough in this Nation to " be caſt off thro' impatience; your Muſters and Galaxys are given to " the People, as milk to Babes, wherby when they are brought up " thro four days election in a whole year (one at the Pariſh, one at the " Hundred, and two at the Tribe) to their ſtrongeſt meat, it is of no " harder digeſtion, than to give their Negative or Affirmative as they " ſee cauſe. There be gallant men among us that laugh at ſuch an " Appeal or Umpire; but I refer it whether you be more inclining to " pardon them or me, who I confeſs have bin this day laughing at a " ſober man, but without meaning him any harm, and that is PE- " TRUS CUNÆUS, where ſpeaking of the nature of the People, he " ſays, that *taking them apart, they are very ſimple, but yet in their Aſ-* " *ſemblys they ſee and know ſomthing:* and ſo runs away without trou- " bling himſelf with what that ſomthing is. Wheras the People,

* Binis Comitiis.

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" taken apart, are but ſo many privat Intereſts; but if you take them
" together, they are the public Intereſt. The public Intereſt of a
" Commonwealth, as has bin ſhewn, is neareſt that of mankind, and
" that of mankind is right reaſon; but with Ariſtocracy (whoſe Rea-
" ſon or Intereſt, when they are all together, as appear'd by the *Patri-*
" *cians*, is but that of a Party) it is quite contrary: for as, taken apart,
" they are far wiſer than the People conſider'd in that manner; ſo be-
" ing put together, they are ſuch fools, who by depoſing the People,
" as did thoſe of *Rome*, will ſaw off the Branch wherupon they ſit,
" or rather deſtroy the root of their own Greatneſs. Wherfore
" MACHIAVEL following ARISTOTLE, and yet going before him,
" may well aſſert, * *That the People are wiſer and more conſtant in*
" *their Reſolutions than a Prince*: which is the Prerogative of popular
" Government for Wiſdom. And hence it is that the Prerogative of
" your Commonwealth, as for Wiſdom ſo for Power, is in the People:
" which (tho' I am not ignorant that the *Roman* Prerogative was ſo
" call'd *à Prærogando*, becauſe their Suffrage was firſt aſk'd) gives the
" denomination to your Prerogative Tribe.

THE Elections, whether Annual or Triennial, being ſhewn by the twenty-ſecond, that which coms in the next place to be conſider'd is

THE twenty-third ORDER, *ſhewing the Power, Function, and manner of Proceding of the Prerogative Tribe.*

23. Order. *The Conſtitution, Function, and manner of Proceding of the Prerogative.*

THE Power or Function of the Prerogative is of two parts, the one of Reſult, in which it is the Legiſlative Power; the other of Judicature, in which regard it is the higheſt Court, and the laſt appeal in this Commonwealth.

FOR the former part (the People by this Conſtitution being not oblig'd by any Law that is not of their own making or confirmation, by the reſult of the Prerogative, their equal Repreſentative) it ſhall not be lawful for the Senat to require obedience from the People, nor for the People to give obedience to the Senat in or by any Law that has not bin promulgated, or printed and publiſh'd for the ſpace of ſix weeks; and afterwards propos'd by the Authority of the Senat to the Prerogative Tribe, and reſolv'd by the major Vote of the ſame in the Affirmative. Nor ſhall the Senat have any power to levy War, Men, or Mony, otherwiſe than by the conſent of the People ſo given, or by a Law ſo enacted, except in caſes of Exigence, in which it is agreed, that the Power both of the Senat and the People ſhall be in the Dictator, ſo qualify'd, and for ſuch a term of time, as is according to that Conſtitution already preſcrib'd. While a law is in promulgation, the Cenſors ſhall animadvert upon the Senat, and the Tribuns upon the People, that there be no laying of heads together, no Conventicles or canvaſſing to carry on or oppoſe any thing; but that all may be don in a free and open way.

FOR the latter part of the Power of the Prerogative, or that wherby they are the Supreme Judicatory of this Nation, and of the Provinces of the ſame, the cognizances of Crimes againſt the Majeſty of the People, ſuch as High Treaſon, as alſo of Peculat, that is, robbery of the Treaſury, or defraudation of the Commonwealth, appertains to this Tribe. And if any Perſon or Perſons, Provincials or Citizens, ſhall appeal to the People, it belongs to the Prerogative to judg and determin the caſe; provided that if the Appeal be from any Court of Juſtice in this Nation or the Provinces,

* Che la multitudine è piu ſavia & piu conſtante che un Prencipe.

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the Appellant shall first deposit a hundred Pounds in the Court from which he appeals, to be forfeited to the same, if he be cast in his Suit by the People. But the Power of the Council of War being the expedition of this Commonwealth, and the martial Law of the Strategus *in the Field, are those only from which there shall ly no Appeal to the People.*

THE Proceding of the Prerogative in case of a Proposition, is to be thus order'd. The Magistrats, proposing by Authority of the Senat, shall rehearse the whole matter, and expound it to the People: which don, they shall put the whole together to the Suffrage, with three Boxes, the Negative, the Affirmative, and the Nonsincere: and the Suffrage being return'd to the Tribuns, and number'd in the presence of the Proposers, if the major Vote be in the Nonsincere, the Proposers shall desist, and the Senat shall resume the Debate. If the major Vote be in the Negative, the Proposers shall desist, and the Senat too. But if the major Vote be in the Affirmative, then the Tribe is clear, and the Proposers shall begin and put the whole matter, with the Negative and the Affirmative (leaving out the Nonsincere) by Clauses; and the Suffrages being taken and number'd by the Tribuns in the presence of the Proposers, shall be written and reported by the Tribuns to the Senat. And that which is propos'd by the Authority of the Senat, and confirm'd by the Command of the People, is the Law of Oceana.

THE Proceding of the Prerogative in a case of Judicature is to be thus order'd. The Tribuns being Auditors of all Causes appertaining to the cognizance of the People, shall have notice of the Suit or Trial, whether of Appeal or otherwise, that is to be commenc'd; and if any one of them shall accept of the same, it appertains to him to introduce it. A Cause being introduc'd, and the People muster'd or assembl'd for the decision of the same, the Tribuns are Presidents of the Court, having power to keep it to Orders, and shall be seated upon a Scaffold erected in the middle of the Tribe. Upon the right hand shall stand a Seat, or large Pulpit assign'd to the Plaintiff, or the Accuser; and, upon the left, another for the Defendant, each if they please with his Council. And the Tribuns (being attended upon such occasions with so many Ballotins, Secretarys, Doorkeepers, and Messengers of the Senat as shall be requisit) one of them shall turn up a Glass of the nature of an Hourglass, but such a one as is to be of an hour and a half's running; which being turn'd up, the Party or Council on the right hand may begin to speak to the People. If there be Papers to be read, or Witnesses to be examin'd, the Officer shall lay the Glass sideways till the Papers be read, and the Witnesses examin'd, and then turn it up again; and so long as the Glass is running, the Party on the right hand has liberty to speak, and no longer. The Party on the right hand having had his time, the like shall be don in every respect for the Party on the left. And the Cause being thus heard, the Tribuns shall put the question to the Tribe with a white, a black, and a red Box (or Nonsincere) whether Guilty, or not Guilty. And if the Suffrage being taken, the major Vote be in the Nonsincere, the Cause shall be reheard upon the next juridical day following, and put to the question in the same manner. If the major Vote coms the second time in the Nonsincere, the Cause shall be heard again upon the third day; but at the third hearing the question shall be put without the Nonsincere. Upon the first of the three days in which the major Vote coms in the white Box, the Party accus'd is absolv'd; and upon the first of them in which it coms in the black Box, the Party accus'd is condemn'd. The Party accus'd being condemn'd, the Tribuns (if the case be criminal) shall put with the white and the

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the black Box theſe Queſtions, or ſuch of them, as, regard had to the caſe, they ſhall conceive moſt proper.

1. *WHETHER he ſhall have a Writ of eaſe.*
2. *WHETHER he ſhall be fin'd ſo much, or ſo much.*
3. *WHETHER he ſhall be confiſcated.*
4. *WHETHER he ſhall be render'd incapable of magiſtracy.*
5. *WHETHER he ſhall be baniſh'd.*
6. *WHETHER. he ſhall be put to death.*

THESE, or any three of theſe Queſtions, whether ſimple or ſuch as ſhall be thought fitly mix'd, being put by the Tribuns, that which has moſt above half the Votes in the black Box is the Sentence of the People, which the Troop of the Third Claſſis is to ſee executed accordingly.

BUT wheras by the Conſtitution of this Commonwealth it may appear that neither the Propoſitions of the Senat, nor the Judicature of the People, will be ſo frequent as to hold the Prerogative in continual imployment; the Senat, a main part of whoſe Office it is to teach and inſtruct the People, ſhall duly (if they have no greater Affairs to divert them) cauſe an Oration to be made to the Prerogative by ſom Knight or Magiſtrat of the Senat, to be choſen out of the ableſt men, and from time to time appointed by the Orator of the Houſe, in the great Hall of the Pantheon, *while the Parlament reſides in the Town; or in ſom Grove or ſweet place in the field, while the Parlament for the heat of the year ſhall reſide in the Country; upon every Tueſday, morning or afternoon.*

AND the Orator appointed for the time to this Office, ſhall firſt repeat the Orders of the Commonwealth with all poſſible brevity; and then making choice of one or ſom part of it, diſcourſe therof to the People. An Oration or Diſcourſe of this nature, being afterward perus'd by the Council of State, may as they ſee cauſe be printed and publiſh'd

THE ARCHON's Comment upon the Order I find to have bin of this ſenſe.

My Lords,

" TO crave pardon for a word or two in farther explanation of
" what was read, I ſhall briefly ſhew how the Conſtitution of
" this Tribe or Aſſembly anſwers to their Function; and how their
" Function, which is of two parts, the former in the Reſult or Legiſ-
" lative Power, the latter in the ſupreme Judicature of the Common-
" wealth, anſwers to their Conſtitution. MACHIAVEL has a Diſ-
" courſe, where he puts the queſtion, *Whether the guard of Liberty*
" *may with more ſecurity be committed to the Nobility, or to the People.*
" Which doubt of his ariſes thro the want of explaining his terms;
" for the guard of Liberty can ſignify nothing elſe but the Reſult of the
" Commonwealth: ſo that to ſay, that the guard of Liberty may be
" committed to the Nobility, is to ſay, that the Reſult may be com-
" mitted to the Senat, in which caſe the People ſignify nothing. Now
" to ſhew it was a miſtake to affirm it to have bin thus in *Lacedemon*,
" ſufficient has bin ſpoken; and wheras he will have it to be ſo

" in

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" in *Venice* alſo, * *They*, ſays CONTARINI, *in whom reſides the Su-*
" *preme Power of the whole Commonwealth, and of the Laws, and upon*
" *whoſe Orders depends the Authority as well of the Senat as of all the*
" *other Magiſtrats, is the GREAT COUNCIL.* It is inſtitutively
" in the Great Council, by the judgment of all that know that Com-
" monwealth ; tho for the Reaſons ſhewn, it be ſomtimes exercis'd
" by the Senat. Nor need I run over the Commonwealths in this
" place for the proof of a thing ſo doubtleſs, and ſuch as has
" bin already made ſo apparent, as that the Reſult of each was in
" the popular part of it. The popular part of yours, or the Prero-
" gative Tribe, conſiſts of ſeven Deputys (wherof three are of the
" Horſe) annually elected out of every Tribe of *Oceana*; which be-
" ing fifty, amounts to one hundred and fifty Horſe, and two hundred
" Foot. And the Prerogative conſiſting of three of theſe Liſts, con-
" ſiſts of four hundred and fifty Horſe, and ſix hundred Foot, beſides
" thoſe of the Provinces to be hereafter mention'd ; by which means
" the overbalance in the Suffrage remaining to the Foot by one hun-
" dred and fifty Votes, you have to the ſupport of a true and natural
" Ariſtocracy, the deepeſt root of a Democracy that has bin ever
" planted. Wherfore there is nothing in Art or Nature better qua-
" lify'd for the Reſult than this Aſſembly. It is noted out of CICERO
" by MACHIAVEL, That the People, tho they are not ſo prone
" to find out Truth of themſelves, as to follow Cuſtom, or run into
" Error ; yet if they be ſhewn Truth, they not only acknowlege and
" imbrace it very ſuddenly, but are the moſt conſtant and faithful
" Guardians and Conſervators of it. It is your Duty and Office,
" wherto you are alſo qualify'd by the Orders of this Commonwealth,
" to have the People as you have your Hauks and Greyhounds, in
" Leaſes and Slips, to range the Fields, and beat the Buſhes for them ;
" for they are of a nature that is never good at this ſport, but when
" you ſpring or ſtart their proper quarry. Think not that they will
" ſtand to aſk you what it is, or leſs know it than your Hauks and
" Greyhounds do theirs ; but preſently make ſuch a flight or courſe,
" that a Huntſman may as well undertake to run with his Dogs, or a
" Falconer to fly with his Hauk, as an Ariſtocracy at this game to
" compare with the People. The People of *Rome* were poſſeſt of no
" leſs a prey than the Empire of the World, when the Nobility turn'd
" tails, and perch'd among Daws upon the Tower of Monarchy.
" For tho they did not all of them intend the thing, they would none
" of them indure the Remedy, which was the Agrarian.

" BUT the Prerogative Tribe has not only the Reſult, but is the
" Supreme Judicature, and the Ultimat Appeal in this Commonwealth.
" For the popular Government that makes account to be of any
" ſtanding, muſt make ſure in the firſt place of the † Appeal to the
" People. As an Eſtate in truſt becoms a man's own, if he be not
" anſwerable for it, ſo the Power of a Magiſtracy not accountable to
" the People, from whom it was receiv'd, becoming of privat uſe,
" the Commonwealth loſes her Liberty. Wherfore the Right of Su-

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* Quello appreſſo il quale e la ſomma autorita di tutta la città, e delle leggi & decreti, de i quali pende l' autorità coſi del Senato come ancora di tutti i Magiſtrati, e il Conſiglio Grande.

† Ante omnes de provocatione adverſus Magiſtratus ad Populum, ſacrandoque cum bonis capite ejus, qui regni occupandi conſilia iniiſſet.

" preme

" preme Judicature in the People (without which there can be no " ſuch thing as popular Government) is confirm'd by the conſtant " practice of all Commonwealths; as that of *Iſrael* in the caſes of " ACHAN, and of the Tribe of BENJAMIN, adjudg'd by the Con- " gregation. The *Dicaſterion* or Court call'd the *Heliaia* in *Athens*, " which (the *Comitia* of that Commonwealth conſiſting of the whole " People, and ſo being too numerous to be a Judicatory) was conſti- " tuted ſomtimes of five hundred, at others of one thouſand, or, ac- " cording to the greatneſs of the cauſe, of fifteen hundred, elected by " the Lot out of the whole Body of the People, had with the nine " ARCHONS that were Preſidents, the cognizance of ſuch Cauſes " as were of higheſt importance in that State. The five Ephors in " *Lacedemon*, which were popular Magiſtrats, might queſtion their " Kings, as appears by the caſes of PAUSANIAS, and of AGIS, " who being upon his Trial in this Court, was cry'd to by his Mo- " ther to appeal to the People, as PLUTARCH has it in his Life. The " Tribuns of the People of *Rome* (like, in the nature of their Magi- " ſtracy, and for ſom time in number, to the Ephors, as being, ac- " cording to HALICARNASSEUS and PLUTARCH, inſtituted in " imitation of them) had power † to ſummon any man, his Magi- " ſtracy at leaſt being expir'd (for from the Dictator there lay no Ap- " peal) to anſwer for himſelf to the People. As in the caſe of CORI- " OLANUS, who was going about to force the People, by withhold- " ing Corn from them in a Famin, to relinquiſh the Magiſtracy of the " Tribuns; in that of SPURIUS CASSIUS for affecting Tyranny; " of MARCUS SERGIUS for running away at *Veii*; of CAIUS " LUCRETIUS for ſpoiling his Province; of JUNIUS SILANUS " for making War, without a Command from the People, againſt the " *Cimbri*; with divers others. And the Crimes of this nature were " call'd *Læſæ Majeſtatis*, or High Treaſon. Examples of ſuch as were " arrain'd or try'd for Peculat, or Defraudation of the Common- " wealth, were MARCUS CURIUS, for intercepting the Mony of " the *Samnits*; SALINATOR, for the inequal diviſion of Spoils to " his Soldiers; MARCUS POSTHUMIUS, for cheating the Com- " monwealth by a feign'd Shipwreck. Cauſes of theſe two kinds " were of a more public nature; but the like Power upon Appeals " was alſo exercis'd by the People in privat matters, even during the " time of the Kings; as in the caſe of HORATIUS. Nor is it " otherwiſe with *Venice*, where the Doge LOREDANO was ſentenc'd " by the Great Council; and ANTONIO GRIMANI, afterwards Doge, " queſtion'd, for that he being Admiral had ſuffer'd the *Turc* to " take *Lepanto* in view of his Fleet.

" NEVERTHELESS, there lay no appeal from the *Roman* " Dictator to the People; which if there had, might have coſt the " Commonwealth dear, when SPURIUS MELIUS affecting Empire, " circumvented and debauch'd the Tribuns: wherupon TITUS " QUINTUS CINCINNATUS was created Dictator; who hav- " ing choſen SERVILIUS AHALA to be his Lieutenant, or *Magiſ- " ter Equitum*, ſent him to apprehend MELIUS, whom, while he " diſputed the Commands of the Dictator, and implor'd the aid of " the People, AHALA cut off upon the place. By which example

† Diem dicere.

" you

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" you may ſee in what caſes the Dictator may prevent the Blow which " is ready ſomtimes to fall e'er the People be aware of the Danger. " Wherfore there lys no Appeal from the *Dieci*, or the Council of Ten, " in *Venice*, to the Great Council, nor from our Council of War to " the People. For the way of proceding of this Tribe, or the Bal- " lot, it is, as was once ſaid for all, *Venetian*.

" THIS Diſcourſe of Judicatorys wherupon we are faln, brings " us rather naturally than of deſign from the two general Orders of " every Commonwealth, that is to ſay, from the debating part or the " Senat, and the reſolving part or the People, to the third, which is " the executive part or the Magiſtracy, wherupon I ſhall have no need " to dwell: For the executive Magiſtrats of this Commonwealth are " the Strategus in Arms; the Signory in their ſeveral Courts, as the " Chancery, the Exchequer; as alſo the Councils in divers caſes with- " in their Inſtructions; the Cenſors as well in their proper Magiſtra- " cy, as in the Council of Religion; the Tribuns in the Government " of the Prerogative, and that Judicatory; and the Judges with their " Courts: Of all which ſo much is already ſaid or known as may " ſuffice.

" THE Tueſday Lectures or Orations to the People will be of " great benefit to the Senat, the Prerogative, and the whole Nation. " To the Senat, becauſe they will not only teach your Senators Elocu- " tion, but keep the Syſtem of the Government in their memorys. " Elocution is of great uſe to your Senators; for if they do not un- " derſtand Rhetoric (giving it at this time for granted, that the Art " were not otherwiſe good) and com to treat with, or vindicat the " cauſe of the Commonwealth againſt ſom other Nation that is good " at it, the advantage will be ſubject to remain upon the merit of the " Art, and not upon the merit of the Cauſe. Furthermore, the Ge- " nius or Soul of this Government being in the whole and in every " part, they will never be of ability in determination upon any par- " ticular, unleſs at the ſame time they have an Idea of the whole. " That this therfore muſt be, in that regard, of equal benefit to the " Prerogative, is plain; tho theſe have a greater concernment in it. " For this Commonwealth is the Eſtate of the People: and a man, " you know, tho he be virtuous, yet if he dos not underſtand his " Eſtate, may run out or be cheated of it. Laſt of all, the Trea- " ſures of the Politics will by this means be ſo open'd, rifled, and di- " ſpers'd, that this Nation will as ſoon dote, like the *Indians*, upon " glaſs Beads, as diſturb your Government with Whimſys and Freaks " of Motherwit; or ſuffer themſelves to be ſtutter'd out of their Li- " bertys. There is not any reaſon why your Grandees, your wiſe " men of this Age, that laugh out and openly at a Commonwealth as " the moſt ridiculous thing, do not appear to be, as in this regard they " are, mere Idiots, but that the People have not eys.

THERE remains no more relating to the Senat and the People than

Conſtitution of the provincial part of the Senat and the People. 24. Order. THE twenty fourth ORDER, *wherby it is lawful for the Province of* Marpeſia *to have* 30 *Knights of their own election continually preſent in the Senat of* Oceana, *together with* 60 *Deputys of Horſe, and* 120 *of Foot in the Prerogative Tribe, indu'd with equal Power* (*reſpect had*

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had to their quality and number) *in the Debate and Reſult of this Commonwealth: provided that they obſerve the Courſe or Rotation of the ſame by the annual Return of* 10 *Knights*, 20 *Deputys of the Horſe, and* 40 *of the Foot. The like in all reſpects is lawful for* Panopea; *and the Horſe of both the Provinces amounting to one Troop, and the Foot to one Company, one Captain and one Cornet of the Horſe ſhall be annually choſen by* Marpeſia, *and one Captain and one Enſign of the Foot ſhall be annually choſen by* Panopea.

THE Orb of the Prerogative being thus complete, is not unnaturally compar'd to that of the Moon, either in conſideration of the Light borrow'd from the Senat, as from the Sun; or of the ebs and floods of the People, which are mark'd by the Negative or Affirmative of this Tribe. And the Conſtitution of the Senat and the People being ſhewn, you have that of the Parlament of *Oceana*, conſiſting of the Senat propoſing, and of the People reſolving; which amounts to an Act of Parlament. So the Parlament is the Heart, which, conſiſting of two Ventricles, the one greater and repleniſh'd with a groſſer matter, the other leſs and full of a purer, ſucks in, and ſpouts forth the vital Blood of *Oceana* by a perpetual Circulation. Wherfore the life of this Government is no more unnatural or obnoxious upon this ſcore to diſſolution, than that of a Man; nor to giddineſs than the World: ſeeing the Earth, whether it be it ſelf or the Heavens that are in rotation, is ſo far from being giddy, that it could not ſubſiſt without motion. But why ſhould not this Government be much rather capable of duration and ſteddineſs by motion? than which God has ordain'd no other to the univerſal Commonwealth of Mankind: ſeeing one Generation coms, and another gos, but the Earth remains firm for ever; that is, in her proper Situation or Place, whether ſhe be mov'd or not mov'd upon her proper Center. The Senat, the People, and the Magiſtracy, or the Parlament ſo conſtituted, as you have ſeen, is the Guardian of this Commonwealth, and the Huſband of ſuch a Wife as is elegantly deſcrib'd by SOLOMON. *She is like the Merchant's Ships; ſhe brings her Food from far. She conſiders a Field, and buys it: With the fruit of her hands ſhe plants a Vineyard. She perceives that her Merchandize is good. She ſtretches forth her hands to the Poor. She is not afraid of the Snow for her Houſhold; for all her Houſhold are cloth'd with Scarlet. She makes her ſelf Coverings of Tapeſtry; her Clothing is Silk and Purple. Her Huſband is known* (by his Robes) *in the Gates, when he ſits among the Senators of the Land.* The Gates, or inferior Courts, were branches as it were of the Sanhedrim or Senat of *Iſrael*. Nor is our Commonwealth a worſe Houſwife, or ſhe has leſs regard to her Magiſtrats; as may appear by

Conſtitution of the Parlament.

Prov. 31.

THE twenty-fifth ORDER: *That, wheras the public Revenue is thro the late Civil Wars dilapidated, the Exciſe, being improv'd or improvable to the Revenue of one Million, be apply'd for the ſpace of eleven years to com, to the reparation of the ſame, and for the preſent maintenance of the Magiſtrats, Knights, Deputys, and other Officers, who according to their ſeveral Dignitys and Functions, ſhall annually receive towards the Support of the ſame, as follows.*

25. Order.

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THE Lord Strategus Marching, is, upon another account, to have Field Pay as General.

	lib. per ann.
THE Lord Strategus ſitting	2000
THE Lord Orator	2000
THE three Commiſſioners of the Seal	4500
THE three Commiſſioners of the Treaſury	4500
THE two Cenſors	3000
THE 290 Knights, at 500 l. a man	145000
THE 4 Embaſſadors in Ordinary	12000
THE Council of War for Intelligence	3000
THE Maſter of the Ceremonys	500
THE Maſter of the Horſe	500
HIS Subſtitute	150
THE 12 Ballotins for their Winter Liverys	240
FOR their Summer Liverys	120
FOR their Board-wages	480
FOR the keeping of three Coaches of State, 24 Coach-horſes, with Coachmen and Poſtilions	1500
FOR the Grooms, and keeping of 16 great Horſes for the Maſter of the Horſe, and for the Ballotins whom he is to govern and inſtruct in the Art of Riding	480
THE 20 Secretarys of the Parlament	2000
THE 20 Doorkeepers, who are to attend with Poleaxes; for their Coats	200
FOR their Board-wages	1000
THE 20 Meſſengers, which are Trumpeters, for their Coats	200
FOR thir Board-wages	1000
FOR Ornament of the Muſters of the Youth	5000
Sum	189370

OUT of the perſonal Eſtates of every man, who at his Death bequeaths not above forty ſhillings to the Muſter of that hundred wherin it lys, ſhall be levy'd one per cent. *till the ſolid Revenue of the Muſter of the Hundred amounts to* 50 l. per annum *for the Prizes of the Youth.*

THE twelve Ballotins are to be divided into three Regions, according to the courſe of the Senat; the four of the firſt Region to be elected at the Tropic out of ſuch Children as the Knights of the ſame ſhall offer, not being under eleven Years of Age, nor above thirteen. And their Election ſhall be made by the Lot at an Urn ſet by the Serjeant of the Houſe for that purpoſe in the Hall of the Pantheon. *The Livery of the Commonwealth for the faſhion or the color may be chang'd at the Election of the Strategus according to his phanſy. But every Knight during his Seſſion ſhall be bound to give to his Footman, or ſome one of his Footmen, the Livery of the Commonwealth.*

THE Prerogative Tribe ſhall receive as follows.

	lib. by the week.
THE 2 Tribuns of the Horſe	14
THE 2 Tribuns of the Foot	12
THE 3 Captains of Horſe	15

THE

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THE 3 *Cornets*	9	
THE 3 *Captains of Foot*	12	
THE 3 *Enſigns*	7	
THE 442 *Horſe, at* 2 l. *a man*	884	
THE 592 *Foot, at* 1 l. 10 s. *a man*	888	
THE 6 *Trumpeters*	7	10 *s.*
THE 3 *Drummers*	2	5 *s.*
SUM by the Week	1850	15 *s.*
SUM by the Year	96239	
THE Total of the Senat, the People, and the Magiſtracy,	287459	15 *s.*

THE Dignity of the Commonwealth, and Aids of the ſeveral Magiſtracys and Offices therto belonging, being provided for as aforeſaid, the Overplus of the Exciſe, with the Product of the Sum riſing, ſhall be carefully manag'd by the Senat and the People thro the diligence of the Officers of the Exchequer, till it amount to eight Millions, or to the purchaſe of about four hundred thouſand Pounds ſolid Revenue. At which time, the term of eleven years being expir'd, the Exciſe, except it be otherwiſe order'd by the Senat and the People, ſhall be totally remitted and aboliſh'd for ever.

AT this Inſtitution the Taxes, as will better appear in the Corollary, were abated about one half, which made the Order when it came to be taſted, to be of good reliſh with the People in the very beginning; tho the Advantages then were no ways comparable to the Conſequences to be hereafter ſhewn. Nevertheleſs, my Lord EPIMONUS, who with much ado had bin held till now, found it midſummer Moon, and broke out of Bedlam in this manner.

My Lord ARCHON,

" I HAVE a ſinging in my head like that of a Cartwheel, my " Brains are upon a Rotation; and ſom are ſo merry, that a man " cannot ſpeak his griefs, but if your highſhod Prerogative, and thoſe " ſame ſlouching fellows your Tribuns, do not take my Lord Strate- " gus's, and my Lord Orator's heads, and jole them together under " the Canopy, then let me be ridiculous to all Poſterity. For here is " a Commonwealth, to which if a man ſhould take that of the Pren- " tices in their ancient Adminiſtration of Juſtice at Shrovetide, it were " an Ariſtocracy. You have ſet the very Rabble with Troncheons " in their hands, and the Gentry of this Nation, like Cocks with Scar- " let Gills, and the Golden Combs of their Salarys to boot, leſt they " ſhould not be thrown at.

" NOT a Night can I ſleep for ſom horrid Apparition or other; " one while theſe Myrmidons are meaſuring Silks by their Quarter- " ſtaves; another ſtuffing their greaſy Pouches with my Lord High " Treaſurer's *Jacobuſſes*. For they are above a thouſand in Arms to " three hundred, which, their Gowns being pull'd over their ears, " are but in their Doublets and Hoſe. But what do I ſpeak of a thou- " ſand? there be two thouſand in every Tribe, that is, a hundred " thouſand in the whole Nation, not only in the poſture of an Army,

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" but in a civil Capacity ſufficient to give us what Laws they pleaſe. " Now every body knows, that the lower ſort of People regard no- " thing but Mony ; and you ſay it is the Duty of a Legiſlator to pre- " ſume all men to be wicked: wherfore they muſt fall upon the " richer, as they are an Army ; or, leſt their minds ſhould miſgive them " in ſuch a villany, you have given them incouragement that they " have a nearer way, ſeeing it may be don every whit as well as by " the overbalancing Power which they have in Elections. There is " a Fair which is annually kept in the Center of theſe Territorys at " *Kiberton*, a Town famous for Ale, and frequented by good Fel- " lows ; where there is a Solemnity of the Pipers and Fidlers of this " Nation (I know not whether *Lacedemon*, where the Senat kept ac- " count of the ſtops of the Flutes and of the Fiddleſtrings of that " Commonwealth, had any ſuch Cuſtom) call'd the *Bulrunning* ; " and he that catches and holds the Bull, is the annual and ſupreme " Magiſtrat of that *Comitia* or Congregation, call'd *King Piper* ; " without whoſe Licence it is not lawful for any of thoſe Citizens to " injoy the liberty of his Calling ; nor is he otherwiſe legitimatly " qualify'd (or *civitate donatus)* to lead Apes or Bears in any Per- " ambulation of the ſame. Mine Hoſt of the Bear, in *Kiberton*, the " Father of Ale, and Patron of good Footbal and Cudgelplayers, has " any time ſince I can remember, bin Grand Chancellor of this Order. " Now, ſay I, ſeeing great things ariſe from ſmall beginnings, what " ſhould hinder the People, prone to their own Advantage, and lov- " ing Mony, from having Intelligence convey'd to them by this ſame " *King Piper* and his Chancellor, with their Loyal Subjects the Min- " ſtrils and Bearwards, Maſters of Ceremonys, to which there is " great recourſe in their reſpective Perambulations, and which they " will commiſſion and inſtruct, with Directions to all the Tribes, " willing and commanding them, that as they wiſh their own good, " they chuſe no other into the next *primum Mobile*, but of the ableſt " Cudgel and Footbalplayers ? Which don as ſoon as ſaid, your " *primum Mobile* conſiſting of no other ſtuff, muſt of neceſſity be " drawn forth into your *Nebulones*, and your *Galimofrys* ; and ſo the " ſilken Purſes of your Senat and Prerogative being made of Sows " ears, moſt of them Blackſmiths, they will ſtrike while the Iron is " hot, and beat your Eſtates into Hobnails ; mine Hoſt of the Bear " being Strategus, and King Piper Lord Orator. Well, my Lords, it " might have bin otherwiſe expreſt, but this is well enough a con- " ſcience. In your way, the Wit of man ſhall not prevent this or the " like Inconvenience ; but if this (for I have confer'd with Artiſts) " be a mathematical Demonſtration, I could kneel to you, that e'er " it be too late we might return to ſom kind of Sobriety.

" IF we empty our Purſes with theſe Pomps, Salarys, Coaches, " Lacquys, and Pages, what can the People ſay leſs, than that we " have dreſt a Senat and a Prerogative for nothing, but to go to the " Park with the Ladys ?

MY Lord ARCHON, whoſe Meekneſs reſembl'd that of MOSES, vouchſaf'd this Anſwer.

My

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My Lords;

" FOR all this, I can ſee my Lord EPIMONUS every night in " the Park, and with Ladys; nor do I blame this in a young " Man, or the Reſpect which is and ought to be given to a Sex that is " one half of the Commonwealth of Mankind, and without which " the other would be none: But our Magiſtrats, I doubt, may be ſom- " what of the oldeſt to perform this part with much acceptation; " and, as the *Italian* Proverb ſays, * *Servire & non gradire è coſa da* " *far morire*. Wherfore we will lay no certain Obligation upon them " in this Point, but leave them, if it pleaſe you, to their own fate or " diſcretion. But this (for I know my Lord EPIMONUS loves me, " tho I can never get his eſteem) I will ſay, if he had a Miſtreſs " ſhould uſe him ſo, he would find it a ſad Life; or I appeal to your " Lordſhips, how I can reſent it from ſuch a Friend, that he puts " King Piper's Politics in the Balance with mine. King Piper, I deny " not, may teach his Bears to dance, but they have the worſt ear of " all Creatures. Now how he ſhould make them keep time in fifty " ſeveral Tribes, and that two years together, for elſe it will be to " no purpoſe, may be a ſmall matter with my Lord to promiſe; but " it ſeems to me of impoſſible performance. Firſt, Thro the nature " of the Bean; and, Secondly, thro that of the Ballot; or how what " he has hitherto thought ſo hard, is now com to be eaſy: but he " may think, that for expedition they will eat up theſe Balls like Ap- " ples. However, there is ſo much more in their way by the Conſti- " tution of this, than is to be found in that of any other Common- " wealth, that I am reconcil'd; it now appearing plainly, that the " Points of my Lord's Arrows are directed at no other White, than " to ſhew the excellency of our Government above others; which, as " he procedes further, is yet plainer; while he makes it appear, that " there can be no other elected by the People but Smiths,

" *Bronteſque Steropeſque & nudus membra Pyracmon:*

" OTHONIEL, AOD, GIDEON, JEPHTHA, SAMSON, as in *Iſrael:* " MILTIADES, ARISTIDES, THEMISTOCLES, CIMON, PERI- " CLES, as in *Athens:* PAPYRIUS, CINCINNATUS, CAMILLUS, " FABIUS SCIPIO, as in *Rome:* Smiths of the fortune of the " Commonwealth; not ſuch as forg'd Hob-nails, but Thunder- " bolts. Popular Elections are of that kind, that all the reſt of " the World is not able, either in number or glory, to equal thoſe " of theſe three Commonwealths. Theſe indeed were the ableſt " Cudgel and Footbal-players; bright Arms were their Cudgels, " and the World was the Ball that lay at their feet. Wherfore " we are not ſo to underſtand the Maxim of Legiſlators, which " holds *all men to be wicked*, as if it related to Mankind or a Com- " monwealth, the Intereſts wherof are the only ſtrait lines they " have wherby to reform the crooked; but as it relates to every Man " or Party, under what color ſoever he or they pretend to be truſted

* *To love and not injoy, is the way to break one's heart.*

" apart,

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" apart, with or by the whole. Hence then it is deriv'd, which is " made good in all experience, that the Ariſtocracy is ravenous, and " not the People. Your Highwaymen are not ſuch as have Trades, " or have bin brought up to Induſtry; but ſuch commonly whoſe " Education has pretended to that of Gentlemen. My Lord is ſo ho- " neſt, he does not know the Maxims that are of abſolute neceſſity to " the Arts of Wickedneſs; for it is moſt certain, if there be not more " Purſes than Thieves, that the Thieves themſelves muſt be forc'd to " turn honeſt, becauſe they cannot thrive by their Trade: But now " if the People ſhould turn Thieves, who ſees not that there would " be more Thieves than Purſes? Wherfore that a whole People " ſhould turn Robbers or Levellers, is as impoſſible in the end as in " the means. But that I do not think your Artiſt which you men- " tion'd, whether Aſtronomer or Arithmetician, can tell me how " many Barlycorns would reach to the Sun; I could be content he " were call'd to the account, with which I ſhall conclude this Point: " when by the way I have chid my Lords the Legiſlators, who, as " if they doubted my Tackling could not hold, would leave me to flag " in a perpetual Calm, but for my Lord EPIMONUS, who breaths " now and then into my Sails, and ſtirs the Waters. A Ship makes not " her way ſo briſkly, as when ſhe is handſomly bruſh'd by the Waves, " and tumbles over thoſe that ſeem to tumble againſt her; in which " caſe I have perceiv'd in the dark, that Light has bin ſtruck even out " of the Sea, as in this place, where my Lord EPIMONUS feigning " to give us a demonſtration of one thing, has given it of another, " and of a better. For the People of this Nation, if they amount " in each Tribe to two thouſand Elders, and two thouſand Youths, " upon the annual Roll, holding a fifth to the whole Tribe; then the " whole of a Tribe, not accounting Women and Children, muſt a- " mount to twenty thouſand; and ſo the whole of all the Tribes, be- " ing fifty, to one Million. Now you have ten thouſand Pariſhes, " and reckoning theſe one with another, each at one thouſand pounds " a Year dry Rent, the Rent or Revenue of the Nation, as it is or " might be let to Farm, amounts to ten Millions; and ten Millions " in Revenue divided equally to one Million of men, coms but to " ten pounds a year to each wherwith to maintain himſelf, his Wife " and Children. But he that has a Cow upon the Common, and " earns his Shilling by the day at his labor, has twice as much already " as this would com to for his ſhare; becauſe if the Land were thus " divided, there would be no body to ſet him on work. So my Lord " EPIMONUS's Footman, who coſts him thrice as much as one of " theſe could thus get, would certainly loſe by his bargain. What " ſhould we ſpeak of thoſe innumerable Trades wherupon men live, " not only better than others upon good ſhares of Lands, but becom " alſo purchaſers of greater Eſtates? Is not this the demonſtration " which my Lord meant, that the Revenue of Induſtry in a Nation, " at leaſt in this, is three or fourfold greater than that of the mere " Rent? If the People then obſtruct Induſtry, they obſtruct their " own livelihood; but if they make a War, they obſtruct Induſtry. " Take the Bread out of the Peoples mouths, as did the *Roman* Patri- " cians, and you are ſure enough of a War, in which caſe they may " be Levellers; but our Agrarian cauſes their Induſtry to flow with " Milk and Hony. It will be own'd, that this is true, if the People

" were

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" were given * to underſtand their own happineſs; But where is it " they do that? Let me reply with the like queſtion, Where do they " not? They do not know their happineſs it ſhould ſeem in *France*, " *Spain* and *Italy*: but teach them what it is, and try whoſe Senſe is " the truer. As to the late Wars in *Germany*, it has bin affirm'd to " me there, that the Princes could never make the People to take " Arms while they had Bread, and have therfore ſuffer'd Countrys " now and then to be waſted, that they might get Soldiers. This " you will find to be the certain pulſe and temper of the People; and " if they have bin already prov'd to be the moſt wiſe and conſtant " Order of a Government, why ſhould we think (when no man can " produce one Example of the common Soldiery in an Army muti- " nying becauſe they had not Captains pay) that the Prerogative " ſhould jole the heads of the Senat together, becauſe theſe have the " better Salarys; when it muſt be as evident to the People in a Nation " as to the Soldiery in an Army, that it is no more poſſible their Emo- " luments of this kind ſhould be afforded by any Commonwealth in " the World to be made equal with thoſe of the Senat, than that the " common Soldiers ſhould be equal with the Captains? It is enough " for the common Soldier, that his Virtue may bring him to be a " Captain, and more to the Prerogative, that each of them is nearer " to be a Senator.

" IF my Lord thinks our Salarys too great, and that the Com- " monwealth is not Houſwife enough; whether is it better Houſ- " wifery that ſhe ſhould keep her Family from the Snow, or ſuffer " them to burn her Houſe that they may warm themſelves? for one " of theſe muſt be. Do you think that ſhe came off at a cheaper " rate, when men had their Rewards by a thouſand, two thouſand " pounds a Year in Land of Inheritance? If you ſay, that they will " be more godly than they have bin, it may be ill taken; and if you " cannot promiſe that, it is time we find out ſom way of ſtinting at " leaſt, if not curing them of that ſame *ſacra Fames*. On the other " ſide, if a poor man (as ſuch a one may ſave a City) gives his " ſweat to the Public, with what conſcience can you ſuffer his Family " in the mean time to ſtarve? But he that lays his hand to this Plow, " ſhall not loſe by taking it off from his own: and a Commonwealth " that will mend this, ſhall be penny wiſe. The *Sanhedrim* of *Iſrael* " being the Supreme, and a conſtant Court of Judicature, could not " chuſe but be exceding gainful. The Senat of the Bean in *Athens*, " becauſe it was but annual, was moderatly ſalariated; but that of " the *Areopagits* being for Life, bountifully: and what advantages " the Senators of *Lacedemon* had, where there was little Mony or " uſe of it, were in Honors for life. The *Patricians* having no profit, " took all. *Venice* being a Situation, where a man goes but to the " door for his Imployment, the Honor is great, and the Reward very " little: but in *Holland* a Counſillor of State has fifteen hundred *Fle-* " *miſh* Pounds a Year, beſides other Accommodations. The States " General have more. And that Commonwealth looks nearer her " Penny than ours needs to do.

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* O fortunati nimium, bona ſi ſua nôrint,
Agricolæ!

" FOR

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" FOR the Revenue of this Nation, beſides that of her Induſtry, " it amounts, as has bin ſhewn, to ten Millions; and the Salarys in " the whole com not to three hundred thouſand Pounds a Year. The " Beauty they will add to the Commonwealth will be exceding great, " and the People will delight in this Beauty of their Commonwealth; " the Incouragement they will give to the ſtudy of the Public being " very profitable, the Accommodation they will afford to your Magi- " ſtrats very honorable and eaſy. And the Sum, when it or twice as " much was ſpent in Hunting and Houſekeeping, was never any grie- " vance to the People. I am aſham'd to ſtand huckling upon this " Point; it is ſordid. Your Magiſtrats are rather to be provided with " further Accommodations. For what if there ſhould be Sickneſs? " whither will you have them to remove? And this City in the " ſoundeſt Times, for the heat of the Year, is no wholſom abode: " have a care of their Healths to whom you commit your own. I " would have the Senat and the People, except they ſee cauſe to the " contrary, every firſt of *June* to remove into the Country Air for " the ſpace of three months. You are better fitted with Summer- " houſes for them, than if you had built them to that purpoſe. There " is ſom twelve miles diſtant the *Convallium* upon the River *Halcio-* " *nia*, for the Tribuns and the Prerogative, a Palace capable of a " thouſand Men: and twenty miles diſtant you have Mount *Celia*, " reverend as well for the Antiquity as State of a Caſtle completely " capable of the Senat: the Propoſers having Lodgings in the *Conval-* " *lium*, and the Tribuns in *Celia*, it holds the Correſpondency be- " tween the Senat and the People exactly. And it is a ſmall matter " for the Propoſers, being attended with the Coaches and Officers of " State, beſides other Conveniences of their own, to go a matter of " five or ten miles (thoſe Seats are not much further diſtant) to " meet the People upon any Heath or Field that ſhall be appointed: " where, having diſpatch'd their buſineſs, they may hunt their own " Venizon (for I would have the great wall'd Park upon the *Hal-* " *cionia* to belong to the Signory, and thoſe about the *Convallium* to " the Tribuns) and ſo go to ſupper. Pray, my Lords, ſee that they " do not pull down theſe Houſes to ſell the Lead of them; for when " you have conſider'd on't, they cannot be ſpar'd. The Founders of " the School in *Hiera* provided that the Boys ſhould have a Summer " Seat. You ſhould have as much care of theſe Magiſtrats. But " there is ſuch a ſelling, ſuch a *Jewiſh* humor in our Republicans, that " I cannot tell what to ſay to it; only this, any man that knows what " belongs to a Commonwealth, or how diligent every Nation in that " caſe has bin to preſerve her Ornaments, and ſhall ſee the waſt late- " ly made (the Woods adjoining to this City, which ſerv'd for the " delight and health of it, being cut down to be ſold for three pence) " will tell you, that they who did ſuch things would never have made " a Commonwealth. The like may be ſaid of the Ruin or Damage " don upon our Cathedrals, Ornaments in which this Nation excels " all others. Nor ſhall this ever be excus'd upon the ſcore of Reli- " gion; for tho it be true, that God dwells not in Houſes made with " hands, yet you cannot hold your Aſſemblys but in ſuch Houſes, and " theſe are of the beſt that have bin made with hands. Nor is it well " argu'd that they are pompous, and therefore profane, or leſs proper " for Divine Service; ſeeing the Chriſtians in the Primitive Church

" choſe

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" choſe to meet with one accord in the Temple; ſo far were they from " any inclination to pull it down.

THE Orders of this Commonwealth, ſo far, or near ſo far as they concern the Elders, together with the ſeveral Speeches at the Inſtitution, which may ſerve for the better underſtanding of them as ſo many Commentaries, being ſhewn; I ſhould now com from the Elders to the Youth, or from the Civil Conſtitution of this Government to the Military, but that I judg this the fitteſt place wherinto, by the way, to inſert the Government of the City, tho for the preſent but perfunctorily.

The Government of *Emporium.*

THE Metropolis or Capital City of Oceana *is commonly call'd* Emporium, *tho it conſiſts of two Citys diſtinct, as well in Name as in Government, wherof the other is call'd* Hiera: *For which cauſe I ſhall treat of each apart, beginning with* Emporium.

The City-Tribes and Wards.

EMPORIUM *with the Libertys is under a twofold Diviſion, the one regarding the National, and the other the Urban or City Government. It is divided, in regard of the National Government, into three Tribes, and in reſpect of the Urban into twenty-ſix, which for diſtinction ſake are call'd* Wards, *being contain'd under three Tribes but inequally: Wherfore the firſt Tribe containing ten Wards is call'd* Scazon, *the ſecond containing eight* Metoche, *and the third containing as many* Telicouta; *the bearing of which names in mind concerns the better underſtanding of the Government.*

Wardmote.

EVERY Ward has her Wardmote, Court, or Inqueſt, conſiſting of all that are of the Clothing or Liverys of Companys reſiding within the ſame.

The Liverys

SUCH are of the Livery or Clothing as have attain'd to the dignity to wear Gowns and particolor'd Hoods or Tippets, according to the Rules and ancient Cuſtoms of their reſpective Companys.

The Companys.

A COMPANY is a Brotherhood of Tradeſmen profeſſing the ſame Art, govern'd according to their Charter by a Maſter and Wardens. Of theſe there be about ſixty, wherof twelve are of greater dignity than the reſt, that is to ſay, the Mercers, Grocers, Drapers, Fiſhmongers, Goldſmiths, Skinners, Merchant-Taylors, Haberdaſhers, Salters, Ironmongers, Vintners, Clothworkers; which, with moſt of the reſt, have common Halls, divers of them being of antient and magnificent Structure, wherin they have frequent meetings at the Summons of their Maſter or Wardens for the managing and regulation of their reſpective Trades and Myſterys. Theſe Companys, as I ſhall ſhew, are the Roots of the whole Government of the City. For the Liverys that reſide in the ſame Ward, meeting at the Wardmote Inqueſt (to which it belongs to take cognizance of all ſorts of Nuſances, and violations of the Cuſtoms and Orders of the City, and to preſent them to the Coart of Aldermen) have alſo power to make election of two ſorts of Magiſtrats or Officers; the firſt of Elders or Aldermen of the Ward, the ſecond of Deputys of the ſame, otherwiſe call'd Common-Council men.

Common Halls.

Election of Aldermen, and of the Common-Council men.

THE Wards in theſe Elections, becauſe they do not elect all at once, but ſom one year, and ſom another, obſerve the diſtinction of the three Tribes; for example, the Scazon *conſiſting of ten Wards, makes election the firſt Year of ten Aldermen, one in each Ward, and of one hundred and fifty Deputys, fifteen in each Ward: all which are Triennial*

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Magiſtrats or Officers, that is to ſay, are to bear their dignity for the ſpace of three Years.

THE ſecond Year the Metoche, *conſiſting of eight Wards, elects eight Aldermen, one in each Ward, and a hundred and twenty Deputys, fifteen in each Ward; being alſo Triennial Magiſtrats.*

THE third Year Telicouta, *conſiſting of a like number of Wards, elects an equal number of like Magiſtrats for a like term. So that the whole number of the Aldermen, according to that of the Wards, amounts to twenty-ſix; and the whole number of the Deputys, to three hundred and ninety.*

The Court of Aldermen.

THE Aldermen thus elected have divers Capacities: for, firſt, they are Juſtices of the Peace for the term, and in conſequence of their Election. Secondly, They are Preſidents of the Wardmote, and Governors each of that Ward wherby he was elected. And laſt of all, theſe Magiſtrats being aſſembled together, conſtitute the Senat of the City, otherwiſe call'd the Court of Aldermen: *but no man is capable of this Election that is not worth ten thouſand Pounds. This Court upon every new Election, makes choice of nine Cenſors out of their own number.*

The Common Council.

THE Deputys in like manner being aſſembled together, conſtitute the Prerogative Tribe of the City, otherwiſe call'd the Common Council: *by which means the Senat and the People of the City were comprehended, as it were, by the motion of the National Government, into the ſame Wheel of annual, triennial, and perpetual Revolution.*

The Common Hall.

BUT the Liverys, over and above the right of theſe Elections by their Diviſions mention'd, being aſſembled all together at the Guild *of the City, conſtitute another Aſſembly call'd the* Common Hall.

The Election of the Lord Mayor and Sheriffs.

THE Common Hall has the right of two other Elections; the one of the Lord Mayor, and the other of the two Sherifs, being annual Magiſtrats. The Lord Mayor can be elected out of no other than one of the twelve Companys of the firſt Ranks; and the Common Hall agrees by the plurality of Suffrages upon two Names: which being preſented to the Lord Mayor for the time being, and the Court of Aldermen, they elect one by their Scrutiny; for ſo they call it, tho it differs from that of the Commonwealth. The Orator or Aſſiſtant to the Lord Mayor in holding of his Courts, is ſom able Lawyer elected by the Court of Adermen, and call'd the Recorder of Emporium.

THE Lord Mayor being thus elected, has two Capacitys; one regarding the Nation, and the other the City. In that which regards the City, he is Preſident of the Court of Aldermen, having power to aſſemble the ſame, or any other Council of the City, as the Common Council or Common Hall, at his will and pleaſure: and in that which regards the Nation, he is Commander in Chief of the three Tribes wherinto the City is divided; one of which he is to bring up in Perſon at the National Muſter to the Ballot, as his Vicecomites, *or High Sherifs, are to do by the other two, each at their diſtinct Pavilion, where the nine Aldermen, elected Cenſors, are to officiat by three in each Tribe, according to the Rules and Orders already given to the Cenſors of the ruſtic Tribes. And the Tribes of the City have no other than one common Phylarch, which is the Court of Aldermen and the Common Council; for which cauſe they elect not at their Muſter the firſt Liſt call'd the* Prime Magnitude.

Some Conveniences in this Alteration.

THE Conveniences of this Alteration of the City Government, beſides the bent of it to a conformity with that of the Nation, were many, wherof I ſhall mention but a few: As firſt, wheras men under the former adminiſtration,

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niſtration, when the burden of ſom of theſe Magiſtracys lay for life, were oftentimes choſen not for their fitneſs, but rather unfitneſs, or at leaſt unwillingneſs to undergo ſuch a weight, wherby they were put at great Rates to fine for their eaſe; a man might now take his ſhare in Magiſtracy with that equity which is due to the Public, and without any inconvenience to his privat Affairs. Secondly, Wheras the City (inaſmuch as the Acts of the Ariſtocracy, or Court of Aldermen, in their former way of proceding, were rather Impoſitions than Propoſitions) was frequently diſquieted with the inevitable conſequence of diſorder in the power of Debate exercis'd by the popular Part, or Common Council; the right of Debate being henceforth eſtabliſh'd in the Court of Aldermen, and that of Reſult in the Common Council, kill'd the branches of Diviſion in the Root. Which for the preſent may ſuffice to have bin ſaid of the City of Emporium.

The Government of *Hiera.*

THAT of HIERA *conſiſts as to the National Government of two Tribes, the firſt call'd* Agoræa, *the ſecond* Propola: *But as to the peculiar Policy of twelve* Manipuls, *or Wards divided into three Cohorts, each Cohort containing four Wards; wherof the Wards of the firſt Cohort elect for the firſt Year four Burgeſſes, one in each Ward; the Wards of the ſecond Cohort for the ſecond year four Burgeſſes, one in each Ward; and the Wards of the third Cohort for the third Year four Burgeſſes, one in each Ward; all triennial Magiſtrats: by which the twelve Burgeſſes, making one Court for the Government of this City, according to their Inſtructions by Act of Parlament, fall likewiſe into an Annual, Triennial, and perpetual Revolution.*

The Court.

The High Steward.

THIS Court being thus conſtituted, makes election of divers Magiſtrats; As firſt of a High Steward, who is commonly ſom Perſon of Quality, and this Magiſtracy is elected in the Senat by the Scrutiny of this Court; with him they chuſe ſom able Lawyer to be his Deputy, and to hold the Court; and laſt of all they elect out of their own Number ſix Cenſors.

THE High Steward is Commander in Chief of the two Tribes, wherof he in Perſon brings up the one at the National Muſter to the Ballot, and his Deputy the other at a diſtinct Pavilion; the ſix Cenſors choſen by the Court, officiating by three in each Tribe at the Urns; and theſe Tribes have no other Phylarch but this Court.

AS for the manner of Elections and Suffrage, both in Emporium *and* Hiera, *it may be ſaid once for all, that they are perform'd by Ballot, and according to the reſpective Rules already given.*

THERE be other Citys and Corporations throout the Territory, whoſe Policy being much of this kind, would be tedious and not worth the labor to inſert, nor dare I ſtay. Juvenum manus emicat ardens.

I RETURN, according to the method of the Commonwealth, to the remaining parts of her Orbs, which are Military and Provincial; the Military, except the Strategus, and the Polemarchs or Field Officers, conſiſting of the Youth only, and the Provincial conſiſting of a mixture both of Elders and of the Youth.

TO begin with the Youth, or the military Orbs, they are Circles to which the Commonwealth muſt have a care to keep cloſe. A Man is a Spirit rais'd by the Magic of Nature; if ſhe dos not ſtand ſafe, and ſo that ſhe may ſet him to ſom good and uſeful work, he ſpits fire, and blows up Caſtles: for where there is life, there muſt be motion or work; and the work of idleneſs is miſchief, but the work of induſtry is health. To ſet Men to this, the Commonwealth muſt begin betimes with them, or it will be too late: and the means whereby ſhe ſets them

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to it, is EDUCATION, the plaſtic art of Government. But it is as frequent as ſad in experience (whether thro negligence, or, which in the conſequence is all one or worſe, overfondneſs in the domeſtic performance of this Duty) that innumerable Children com to ow their utter Perdition to their own Parents; in each of which the Commonwealth loſes a Citizen. Wherfore the Laws of a Government, how wholſom ſoever in themſelves, are ſuch as, if Men by a congruity in their Education be not bred to find a reliſh in them, they will be ſure to loath and deteſt. The Education therfore of a Man's own Children is not wholly to be committed or truſted to himſelf. You find in * LIVY the Children of BRUTUS having bin bred under Monarchy, and us'd to a Court life, making faces at the Commonwealth of *Rome*: *A King* (ſay they) *is a Man with whom you may prevail when you have need there ſhould be Law, or when you have need there ſhould be no Law; he has Favors in the right, and he frowns not in the wrong place; he knows his Friends from his Enemys. But Laws are deaf inexorable things, ſuch as make no difference between a Gentleman and an ordinary fellow; a Man can never be merry for them, for to truſt altogether to his own innocence is a ſad life.* Unhappy wantons! SCIPIO on the other ſide, when he was but a Boy (about two or three and twenty) being inform'd that certain *Patricians* of *Roman* Gentlemen, thro a qualm upon the defeat which HANNIBAL had given them at *Cannæ*, were laying their heads together and contriving their Flight with the tranſportation of their Goods out of *Rome*, drew his Sword, and ſetting himſelf at the door of the Chamber where they were at Council, proteſted, *That who did not immediatly ſwear not to deſert the Commonwealth, he would make his Soul to deſert his Body.* Let Men argue as they pleaſe for Monarchy, or againſt a Commonwealth, the world ſhall never ſee any Man ſo ſottiſh or wicked as in cool blood to prefer the Education of the Sons of BRUTUS before that of SCIPIO; and of this mould, except a MELIUS or a MANLIUS, was the whole youth of that Commonwealth, tho not ordinarily ſo well caſt. Now the health of a Government, and the education of the Youth being of the ſame pulſe, no wonder if it has bin the conſtant practice of well-order'd Commonwealths to commit the care and feeling of it to public Magiſtrats. A duty that was perform'd in ſuch a manner by the Areopagits, as is elegantly prais'd by ISOCRATES. *The Athenians*, ſays he, *write not their Laws upon dead Walls, nor content themſelves with having ordain'd Puniſhments for Crimes, but provide in ſuch a way by the Education of their Youth, that there be no Crimes for Puniſhment.* He ſpeaks of thoſe Laws which regarded Manners, not of thoſe Orders which concerned the Adminiſtration of the Commonwealth, leſt you ſhould think he contradicts XENOPHON and POLYBIUS. The Children of *Lacedemon*, at the ſeventh year of their age, were delivered to the *Pædonomi*, or Schoolmaſters, not mercenary, but Magiſtrats of the Commonwealth, to which they were accountable for their charge: and by theſe at the age of fourteen they were preſented to other Magiſtrats call'd the *Beidiæi*, having the in-

* Aſſueti more regio vivere——inter ſe conquerebantur——Regem hominem eſſe à quo impetres ubi jus, ubi injuria opus ſit; eſſe gratiæ locum, eſſe beneficio; & iraſci & ignoſcere poſſe; inter amicum & inimicum diſcrimen noſſe. Leges rem ſurdam, inexorabilem eſſe; ſalubriorem, melioremque inopi quam potenti; nihil laxamenti nec veniæ habere, ſi modum exceſſeris; periculoſum eſſe in tot humanis erroribus ſola innocentia vivere. *Liv. l.* 2.

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ſpection of the Games and Exerciſes, among which that of the *Plataniſta* was famous, a kind of Fight in Squadrons, but ſomwhat too fierce. When they came to be of military age, they were liſted of the *Mora*, and ſo continu'd in readineſs for public Service under the Diſciplin of the *Polemarchs*. But the *Roman* Education and Diſciplin by the Centurys and Claſſes is that to which the Commonwealth of *Oceana* has had a more particular regard in her three Eſſays, being certain degrees by which the Youth commence as it were in Arms for Magiſtracy, as appears by

THE twenty ſixth ORDER, *inſtituting, That if a Parent has but one Son, the Education of that one Son ſhall be wholly at the diſpoſition of that Parent. But wheras there be Free Schools erected and endow'd, or to be erected and endow'd in every Tribe of this Nation, to a ſufficient proportion for the Education of the Children of the ſame (which Schools, to the end there be no detriment or hindrance to the Scholars upon caſe of removing from one to another, are every of them to be govern'd by the ſtrict inſpection of the Cenſors of the Tribes, both upon the Schoolmaſters manner of Life and Teaching, and the proficiency of the Children, after the rules and method of that in* Hiera) *if a Parent has more Sons than one, the Cenſors of the Tribe ſhall animadvert upon and puniſh him that ſends not his Sons within the ninth year of their age to ſom one of the Schools of a Tribe, there to be kept and taught if he be able at his own charges; and if he be not able,* gratis, *till they arrive at the age of fifteen years. And a Parent may expect of his Sons at the fifteenth year of their age according to his choice or ability, whether it be to Service in the way of Apprentices to ſom Trade or otherwiſe, or to further ſtudy, as by ſending them to the Ins of Court, of Chancery, or to one of the Univerſitys of this Nation. But he that takes not upon him one of the Profeſſions proper to ſom of thoſe places, ſhall not continue longer in any of them than till he has attain'd to the age of eighteen years; and every Man having not at the age of eighteen years taken upon him, or addicted himſelf to the profeſſion of the Law, Theology, or Phyſic, and being no Servant, ſhall be capable of the Eſſays of the Youth, and no other perſon whatſoever: except a Man, having taken upon him ſuch a profeſſion, happens to lay it by, e'er he arrives at three or four and twenty years of age, and be admitted to this Capacity by the reſpective* Phylarch, *being ſatisfy'd that he kept not out ſo long with any deſign to evade the Service of the Commonwealth; but, that being no ſooner at his own diſpoſal, it was no ſooner in his choice to com in. And if any Youth or other Perſon of this Nation have a deſire to travel into foren Countrys upon occaſion of buſineſs, delight, or further improvement of his Education; the ſame ſhall be lawful for him upon a Paſs obtain'd from the Cenſors in Parlament, putting a convenient limit to the time, and recommending him to the Embaſſadors by whom he ſhall be aſſiſted, and to whom he ſhall yield Honor and Obedience in their reſpective Reſidences. Every Youth at his return from his Travel is to preſent the Cenſors with a Paper of his own writing, containing the Intereſt of State or Form of Government of the Countrys, or ſom one of the Countrys where he has bin; and if it be good, the Cenſors ſhall cauſe it to be printed and publiſh'd, prefixing a Line in commendation of the Author.* 26. Order.

EVERY Wedneſday next inſuing the laſt of December, *the whole Youth of every Pariſh, that is to ſay every Man (not excepted by the foregoing part of the Order) being from eighteen years of age to thirty, ſhall repair*

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repair at the ſound of the Bell to their reſpective Church, and being there aſſembled in preſence of the Overſeers, who are to govern the Ballot, and the Conſtable who is to officiat at the Urn, ſhall, after the manner of the Elders, elect every fifth Man of their whole number (provided that they chuſe not above one of two Brothers at one Election, nor above half if they be four or upward) to be a Stratiot *or Deputy of the Youth; and the Liſt of the* Stratiots *ſo elected being taken by the Overſeers, ſhall be enter'd in the Pariſh Book, and diligently preſerv'd as a Record, call'd the firſt Eſſay. They whoſe Eſtates by the Law are able, or whoſe Friends are willing to mount them, ſhall be of the Horſe, the reſt are of the Foot. And he who has bin one year of this Liſt, is not capable of being reelected till after another year's interval.*

EVERY Wedneſday next inſuing the laſt of January, *the* Stratiots *being muſter'd at the Rendevouz of their reſpective Hundred, ſhall in the preſence of the Jurymen, who are Overſeers of that Ballot, and of the High Conſtable who is to officiat at the Urn, elect out of the Horſe of their Troop or Company one Captain, and one Enſign or Cornet, to the command of the ſame. And the Jurymen having enter'd the Liſt of the Hundred into a Record to be diligently kept at the Rendevouz of the ſame; the firſt public Game of this Commonwealth ſhall begin and be perform'd in this manner. Wheras there is to be at every Rendevouz of a Hundred one Cannon, Culverin, or Saker; the prize Arms being forg'd by ſworn Armorers of this Commonwealth, and for their proof, beſides their Beauty, view'd and try'd at the Tower of* Emporium, *ſhall be expos'd by the Juſtice of Peace appertaining to that Hundred (the ſaid Juſtice with the Jurymen being Judges of the Game) and the Judges ſhall deliver to the Horſeman that gains the Prize at the Career, one ſute of Arms being of the value of twenty Pounds; to the Pikeman that gains the Prize at throwing the Bullet, one ſute of Arms of the value of ten Pounds; to the Muſketeer that gains the Prize at the Mark with his Muſket, one ſute of Arms of the value of ten Pounds; and to the Cannoneer that gains the Prize at the mark with the Cannon, Culverin, or Saker, a Chain of Silver being the value of ten Pounds; provided, that no one Man at the ſame Muſter plays above one of the Prizes. Whoſoever gains a Prize is bound to wear it (if it be his lot) upon Service; and no man ſhall ſell or give away any Armor thus won, except he has lawfully attain'd to two or more of them at the Games.*

THE Games being ended, and the Muſter diſmiſt, the Captain of the Troop or Company ſhall repair with a Copy of the Liſt to the Lord Lieutenant of the Tribe, and the High Conſtable with a Duplicat of the ſame to the Cuſtos Rotulorum, *or Muſtermaſter General, to be alſo communicated to the Cenſors; in each of which the Jurymen giving a note upon every name of an only Son, ſhall certify that the Liſt is without ſubterfuge or evaſion: or, if it be not, an account of thoſe upon whom the Evaſion or Subterfuge lys, to the end that the* Phylarch *or the Cenſors may animadvert accordingly.*

AND every Wedneſday next inſuing the laſt of February, *the Lord Lieutenant,* Cuſtos Rotulorum, *the Cenſors, and the Conductor, ſhall receive the whole Muſter of the Youth of that Tribe at the Rendevouz of the ſame, diſtributing the Horſe and Foot with their Officers, according to the Directions given in the like caſe for the diſtribution of the Elders; and the whole Squadron being put by that means in Battalia, the ſecond Game of this Commonwealth ſhall begin by the exerciſe of the Youth in all*

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the parts of their military Disciplin according to the Orders of Parlament, or direction of the Council of War in that case. And the hundred Pounds allow'd by the Parlament for the Ornament of the Muster in every Tribe, shall be expended by the Phylarch upon such artificial Castles, Citadels, or the like Devices, as may make the best and most profitable sport for the Youth and their Spectators. Which being ended, the Censors having prepar'd the Urns by putting into the Horse-Urn 220 Gold Balls, wherof ten are to be mark'd with the letter M, *and other ten with the letter* P; *into the Foot-Urn 700 Gold Balls, wherof 50 are to be mark'd with the letter* M, *and 50 with the letter* P: *and after they have made the Gold Balls in each Urn, by the addition of Silver Balls to the same, in number equal with the Horse and Foot of the* Stratiots, *the Lord Lieutenant shall call the* Stratiots *to the Urns, where they that draw the Silver Balls shall return to their places, and they that draw the Gold Balls shall fall off to the Pavilion, where, for the space of one hour, they may chop and change their Balls according as one can agree with another, whose Lot he likes better. But the hour being out, the Conductor separating them whose Gold Balls have no letter, from those whose Balls are mark'd, shall cause the Cryer to call the Alphabet, as first* A; *wherupon all they whose Gold Balls are not mark'd, and whose firnames begin with the letter* A, *shall repair to a Clerc appertaining to the* Custos Rotulorum, *who shall first take the names of that letter; then those of* B, *and so on, till all the names be alphabetically inrol'd. And the Youth of this List being six hundred Foot in a Tribe, that is,* 30000 *Foot in all the Tribes; and two hundred Horse in a Tribe, that is,* 10000 *Horse in all the Tribes, are the second Essay of the* Stratiots, *and the standing Army of this Commonwealth to be always ready upon command to march. They whose Balls are mark'd with* M, *amounting, by* 20 *Horse and* 50 *Foot in a Tribe, to* 2500 *Foot, and* 500 *Horse in all the Tribes; and they whose Balls are mark'd with* P, *in every point correspondent, are parts of the third Essay: they in* M *being straight to march for* Marpesia, *and they of* P *for* Panopea, *to the ends, and according to the further directions following in the Order for the provincial Orbs.*

IF the Polemarchs or Field Officers be elected by the scrutiny of the Council of War, and the Strategus commanded by the Parlament or the Dictator to march, the Lord Lieutenants (who have power to muster and disciplin the Youth so often as they receive Orders for the same from the Council of War) are to deliver the second Essay, or so many of them as shall be commanded, to the Conductors, who shall present them to the Lord Strategus at the time and place appointed by his Excellency to be the general Rendevou of Oceana, *where the Council of War shall have the accommodation of Horses and Arms for his men in readiness: and the Lord Strategus having arm'd, mounted and distributed them, whether according to the recommendation of their Prize Arms, or otherwise shall lead them away to his Shipping, being also ready and provided with Victuals, Ammunition, Artillery, and all other necessarys; commanding them, and disposing of the whole Conduct of the War by his sole Power and Authority. And this is the third Essay of the* Stratiots, *which being ship'd, or march'd out of their Tribes, the Lord Lieutenants shall reelect the second Essay out of the remaining part of the first; and the Senat another Strategus.*

IF any Veteran or Veterans of this Nation, the term of whose Youth or Militia is expir'd, having a desire to be entertain'd in the further service of the Commonwealth, shall present him or themselves at the Rendevou of Oceana *to the Strategus, it is in his power to take on such and so many of them*

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them as ſhall be agreed by the Polemarchs, and to ſend back an equal number of the Stratiots.

AND for the better managing of the proper Forces of this Nation, the Lord Strategus, by appointment of the Council of War, and out of ſuch Levys as they ſhall have made in either or both of the Provinces to that end, ſhall receive Auxiliaries by Sea or elſewhere at ſom certain place, not exceeding his proper Arms in number.

AND whoſoever ſhall refuſe any one of his three Eſſays, except upon cauſe ſhewn he be diſpens'd withal by the Phylarch; or, if the Phylarch be not aſſembled, by the Cenſors of his Tribe, ſhall be deem'd a Helot *or public Servant, ſhall pay a fifth part of his yearly Revenue, beſides all other Taxes, to the Commonwealth for his Protection, and be incapable of bearing any Magiſtracy except ſuch as is proper to the Law. Nevertheleſs if a man has but two Sons, the Lord Lieutenant ſhall not ſuffer above one of them to come to the Urn at one Election of the ſecond Eſſay: and tho he has above two Sons, there ſhall not com above half the Brothers at one Election: and if a Man has but one Son, he ſhall not com to the Urn at all without the conſent of his Parents, or his Guardians; nor ſhall it be any reproach to him, or impediment to his bearing of Magiſtracy.*

THIS Order, with relation to foren Expeditions, will be prov'd and explain'd together with

27. Order. THE twenty-ſeventh ORDER, *providing, in caſe of Invaſion apprehended, that the Lords High Sherifs of the Tribes upon Commands receiv'd from the Parlament, or the Dictator, diſtribute the Bands of the Elders into diviſions after the nature of the Eſſays of the Youth; and that the ſecond Diviſion or Eſſay of the Elders, being made and conſiſting of* 30000 *Foot, and* 10000 *Horſe, be ready to march with the ſecond Eſſay of the Youth, and be brought alſo by the Conductors to the Strategus.*

THE ſecond Eſſay of the Elders and Youth being march'd out of their Tribes, the Lords High Sherifs and Lieutenants ſhall have the remaining part of the annual Bands both of Elders and Youth in readineſs, which, if the Beacons be fir'd, ſhall march to the Rendevou to be in that caſe appointed by the Parlament, or the Dictator. And the Beacons being fir'd, the Curiata Comitia, *or Parochial Congregations, ſhall elect a fourth both of Elders and Youth to be immediatly upon the Guard of the Tribes, and dividing themſelves as aforeſaid, to march alſo in their Diviſions according to Orders: which method in caſe of extremity ſhall procede to the election of a third, or the levy of a ſecond, or of the laſt man in the Nation, by the Power of the Lords High Sherifs; to the end that the Commonwealth in her utmoſt preſſure may ſhew her truſt that God in his Juſtice will remember Mercy, by humbling her ſelf, and yet preſerving her Courage, Diſciplin and Conſtancy, even to the laſt drop of her blood, and the utmoſt farthing.*

THE Services perform'd by the Youth, or by the Elders, in caſe of Invaſion, and according to this Order ſhall be at their proper coſt and charges that are any ways able to endure it; but if there be ſuch as are known in their Pariſhes to be ſo indigent that they cannot march out of their Tribes, nor undergo the burden in this caſe incumbent, then the Congregations of their Pariſhes ſhall furniſh them with ſufficient ſums of Mony to be repaid upon the Certificat of the ſame by the Parlament when the Action ſhall be over. And of that which is reſpectively injoin'd by this Order, any Tribe, Pariſh, Magiſtrat, or Perſon that ſhall fail, is to anſwer for it at the Council of War, as a Deſerter of his Country. THE

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THE ARCHON, being the greateſt Captain of his own, if not of any age, added much to the Glory of this Commonwealth, by interweaving the Militia with more Art and Luſter than any Legiſlator from or before the time of SERVIUS TULLIUS, who conſtituted the *Roman* Militia. But as the Bones or Skeleton of a man, tho the greateſt part of his Beauty be contain'd in their Proportion or Symmetry, yet ſhewn without Fleſh, are a ſpectacle that is rather horrid than entertaining; ſo without Diſcourſes are the Orders of a Commonwealth: which, if ſhe gos forth in that manner, may complain of her Friends that they ſtand mute, and ſtaring upon her. Wherfore this Order was thus fleſh'd by the Lord ARCHON.

My Lords;

" DIOGENES ſeeing a young Fellow drunk, told him that his " Father was drunk when he begot him. For this, in natural " Generation I muſt confeſs I ſee no reaſon; but in the Political it is " right. The Vices of the People are from their Governors; thoſe of " their Governors from their Laws or Orders; and thoſe of their Laws " or Orders from their Legiſlators. * Whatever was in the Womb " imperfect, as to her proper work, coms very rarely, or never at all " to perfection afterwards: and the formation of a Citizen in the " Womb of the Commonwealth is his Education.

" EDUCATION by the firſt of the foregoing Orders is of ſix " kinds: At the School, in the Mechanics, at the Univerſitys, at the " Ins of Court or Chancery, in Travels, and in military Diſci- " plin: ſom of which I ſhall but touch, and ſom I ſhall handle more " at large.

" THAT which is propos'd for the erecting and indowing of *Schools.* " Schools throout the Tribes, capable of all the Children of the ſame, " and able to give to the Poor the Education of theirs *gratis*, is only " matter of direction in caſe of very great Charity, as eaſing the needy " of the charge of their Children from the ninth to the fifteenth year " of their Age, during which time their work cannot be profitable; " and reſtoring them when they may be of uſe, furniſhed with tools " wherof there are advantages to be made in every work, ſeeing he " that can read and uſe his Pen has ſom convenience by it in the mean- " eſt Vocation. And it cannot be conceiv'd, but that which coms, " tho in ſmall parcels, to the advantage of every man in his Vocati- " on, muſt amount to the advantage of every Vocation, and ſo to that " of the whole Commonwealth. Wherfore this is commended to " the Charity of every wiſehearted and welminded man, to be don in " time, and as God ſhall ſtir him up or inable him; there being ſuch " proviſion already in the caſe, as may give us leave to procede with- " out obſtruction.

" PARENTS, under animadverſion of the Cenſors, are to diſ- *Mechanics in* " poſe of their Children at the fifteenth year of their age to ſomething; *general.* " but what, is left, according to their abilitys or inclination, at their " own choice. This, with the multitude, muſt be to the Mechanics, " that is to ſay, to Agriculture or Huſbandry; to Manufactures, or to " Merchandize.

* Ut male poſuimus initia, ſic cætera ſequuntur *Cic.*

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Husbandry. " AGRICULTURE is the Bread of the Nation; we are hung " upon it by the teeth; it is a mighty Nurſery of Strength, the beſt " Army, and the moſt aſſur'd Knapſac; it is manag'd with the leaſt " turbulent or ambitious, and the moſt innocent hands of all other " Arts. Wherfore I am of ARISTOTLE's opinion, that a Com- " monwealth of Huſbandmen, and ſuch is ours, muſt be the beſt of " all others. Certainly, my Lords, you have no meaſure of what " ought to be, but what can be don for the incouragement of this " Profeſſion. I could wiſh I were Huſband good enough to direct " ſomthing to this end; but racking of Rents is a vile thing in the " richer ſort, an uncharitable one to the poorer, a perfect mark of " Slavery, and nips your Commonwealth in the faireſt Bloſſom. On " the other ſide, if there ſhould be too much eaſe given in this kind, " it would occaſion Sloth, and ſo deſtroy Induſtry, the principal " nerve of a Commonwealth. But if ought might be don to hold " the Balance even between theſe two, it would be a work in this " Nation equal to that for which FABIUS was ſirnam'd MAXIMUS " by the *Romans*.

Manufactures and Merchandize. " IN Manufactures and Merchandize the *Hollander* has gotten the " ſtart of us; but at the long run it will be found, that a People work- " ing upon a foren Commodity dos but farm the Manufacture, and " that it is really intail'd upon them only, where the growth of it is " native: as alſo that it is one thing to have the carriage of other mens " Goods, and another for a man to bring his own to the beſt market. " Wherfore (Nature having provided incouragement for theſe Arts in " this Nation above all others, where, the People growing, they of " neceſſity muſt alſo increaſe) it cannot but eſtabliſh them upon a far " more ſure and effectual Foundation than that of the *Hollanders*. But " theſe Educations are in order to the firſt things, or neceſſitys of Na- " ture; as Huſbandry to the Food, Manufacture to the Clothing, and " Merchandize to the Purſe of the Commonwealth.

" THERE be other things in Nature, which being ſecond as to " their Order, for their Dignity and Value are firſt, and ſuch to which " the other are but Accommodations; of this ſort are eſpecially theſe, " Religion, Juſtice, Courage, and Wiſdom.

Univerſitys. " THE Education that anſwers to Religion in our Government is " that of the Univerſitys. MOSES the Divine Legiſlator was not " only ſkilful in all the Learning of the *Egyptians*, but took alſo into " the Fabric of his Commonwealth the Learning of the *Midianites* in " the advice of JETHRO: and his Foundation of a Univerſity laid " in the Tabernacle, and finiſh'd in the Temple, became that Pinacle " from whence (according to many *Jewiſh* and *Chriſtian* Authors) " all the Learning in the world has taken wing; as the Philoſophy of " the *Stoics* from the *Phariſees*; that of the *Epicureans* from the *Sad-* " *ducees*; and from the Learning of the *Jews* ſo often quoted by our
Acts. 17. 18. " SAVIOR, and fulfilled in Him, the *Chriſtian* Religion. *Athens* " was the moſt famous Univerſity in her days; and her Senators, that " is to ſay, the *Areopagits*, were all Philoſophers. *Lacedemon*, to " ſpeak truth, tho ſhe could write and read, was not very bookiſh. " But he that diſputes hence againſt Univerſitys, diſputes by the ſame " Argument againſt Agriculture, Manufacture, and Merchandize; " every one of theſe having bin equally forbid by LYCURGUS, not " for itſelf (for if he had not bin learn'd in all the Learning of *Crete*,

" and

" and well travell'd in the knowlege of other Governments, he had " never made his Commonwealth) but for the diverſion which they " muſt have given his Citizens from their Arms, who, being but few, " if they had minded any thing elſe, muſt have deſerted the Com- " monwealth. For *Rome*, ſhe had *ingenium par ingenio*, was as learned " as great, and held her College of *Augurs* in much reverence. *Ve-* " *nice* has taken her Religion upon truſt. *Holland* cannot attend it to " be very ſtudious. Nor dos *Switzerland* mind it much; yet are they " all addicted to their Univerſitys. We cut down Trees to build " Houſes; but I would have ſom body ſhew me, by what reaſon or " experience the cutting down of a Univerſity ſhould tend to the ſet- " ting up of a Commonwealth. Of this I am ſure, that the perfec- " tion of a Commonwealth is not to be attain'd without the knowlege " of antient Prudence; nor the knowlege of antient Prudence with- " out Learning; nor Learning without Schools of good Literature: " and theſe are ſuch as we call Univerſitys. Now tho mere Univerſity " learning of itſelf be that which (to ſpeak the words of VERU- " LAMIUS) *crafty men contemn, and ſimple men only admire, yet is it* " *ſuch as wiſe men have uſe of; for Studys do not teach their own uſe,* " *but that is a Wiſdom without and above them, won by obſervation.* " *Expert men may execute, and perhaps judge of Particulars one by one;* " *but the general Counſils and the Plots, and the marſhalling of Affairs,* " *com beſt from thoſe that are learned.* Wherfore if you would " have your Children to be Stateſmen, let them drink by all means of " theſe Fountains, where perhaps there were never any. But what " tho the Water a man drinks be not nouriſhment; it is the Vehicle " without which he cannot be nouriſh'd. Nor is Religion leſs con- " cern'd in this point than Government; for take away your Univer- " ſitys, and in a few years you loſe it.

" THE Holy Scriptures are written in *Hebrew* and *Greec:* they " that have neither of theſe Languages may think light of both; but " find me a man that has one in perfection, the ſtudy of whoſe whole " Life it has not bin. Again, this is apparent to us in daily Conver- " ſation, that if four or five Perſons that have liv'd together be talk- " ing, another ſpeaking the ſame Language may com in, and yet un- " derſtand very little of their Diſcourſe, in that it relates to Circum- " ſtances, Perſons, Things, Times and Places, which he knows not. " It is no otherwiſe with a man, having no inſight of the times in " which they were written, and the Circumſtances to which they re- " late, in the reading of antient Books, whether they be divine or hu- " man. For example, when we fall upon the Diſcourſe about Bap- " tiſm and Regeneration that was between our SAVIOR and NICO- " DEMUS, where CHRIST reproaches him with his ignorance in " this matter: *Art thou a Doctor in* Iſrael, *and underſtandeſt not theſe* " *things?* What ſhall we think of it? or wherfore ſhould a Doctor in " *Iſrael* have underſtood theſe things more than another, but that both " Baptiſm and Regeneration, as was ſhew'd at large by my Lord " PHOSPHORUS, were Doctrins held in *Iſrael?* I inſtance in one place " of a hundred, which he, that has not maſter'd the Circumſtances to " which they relate, cannot underſtand. Wherfore to the underſtand- " ing of the Scripture, it is neceſſary to have antient Languages, and " the knowlege of antient times, or the aid of them who have ſuch " knowlege: and to have ſuch as may be always able and ready to

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" give ſuch aid (unleſs you would borrow it of another Nation,
" which would not only be baſe, but deceitful) it is neceſſary to a
" Commonwealth that ſhe have Schools of good Literature, or Uni-
" verſitys of her own. We are commanded, as has been ſaid more
" than once, to ſearch the Scriptures; and which of 'em ſearch the
" Scriptures, they that take this pains in antient Languages and Learn-
" ing, or they that will not, but truſt to Tranſlations only, and to
" words as they ſound to preſent Circumſtances? than which no-
" thing is more fallible, or certain to loſe the true ſenſe of Scriptures,
" pretended to be above human Underſtanding, for no other cauſe
" than that they are below it. But in ſearching the Scriptures by the
" proper uſe of our Univerſitys, we have bin heretofore bleſt with
" greater Victorys and Trophys againſt the purple Hoſts and golden
" Standards of the *Romiſh* Hierarchy, than any Nation; and ther-
" fore why we ſhould relinquiſh this upon the preſumption of ſom,
" that becauſe there is a greater Light which they have, I do not know.
" There is a greater Light than the Sun, but it does not extinguiſh the
" Sun, nor does any Light of God's giving extinguiſh that of Nature,
" but increaſe and ſanctify it. Wherfore, neither the Honor born by
" the *Iſraelitiſh*, *Roman*, or any other Commonwealth that I have
" ſhewn, to their Eccleſiaſtics, conſiſted in being govern'd by them,
" but in conſulting them in matters of Religion; upon whoſe Reſpon-
" ſes or Oracles they did afterwards as they thought fit. Nor would
" I be here miſtaken, as if, by affirming the Univerſitys to be, in or-
" der both to Religion and Government, of abſolute neceſſity, I de-
" clar'd them or the Miniſtry in any wiſe fit to be truſted, ſo far as to
" exerciſe any power not deriv'd from the Civil Magiſtrat in the ad-
" miniſtration of either. If the *Jewiſh* Religion were directed
" and eſtabliſhed by MOSES, it was directed and eſtabliſh'd by
" the Civil Magiſtrat; or if MOSES exercis'd this Adminiſtration
" as a Prophet, the ſame Prophet did inveſt with the ſame Admi-
" niſtration the *Sanhedrim*, and not the Prieſts; and ſo dos our Com-
" monwealth the Senat, and not the Clergy. They who had the
" ſupreme Adminiſtration or Government of the National Religion
" in *Athens*, were the firſt ARCHON, the *Rex Sacrificus*, or High
" Prieſt, and a *Polemarch*; which Magiſtrats were ordain'd or elected
" * by the holding up of hands in the Church, Congregation or *Co-
" mitia* of the People. The Religion of *Lacedemon* was govern'd by
" the Kings, who were alſo High Prieſts, and officiated at the Sacri-
" fice; theſe had power to ſubſtitute their *Pythii*, Embaſſadors, or
" Nuncios, by which, not without concurrence of the Senat, they
" held intelligence with the Oracle of APOLLO at *Delphos*. And the
" Eccleſiaſtical part of the Commonwealth of *Rome* was govern'd by
" the *Pontifex maximus*, the *Rex Sacrificulus*, and the *Flamins*, all or-
" dain'd or elected by the People, the *Pontifex* by the † Tribes, the
" King by the || Centurys, and the *Flamins* by the ||| Pariſhes. I do
" not mind you of theſe things, as if, for the matter, there were any
" parallel to be drawn out of their Superſtitions to our Religion; but
" to ſhew that for the manner, antient Prudence is as well a rule in di-
" vine as human things; nay, and ſuch a one as the Apoſtles them-
" ſelves, ordaining Elders by the holding up of hands in every Con-

* Per χειροτονίαν. † Tributis. || Centuriatis. ||| Curiatis Comitiis.

" gregation,

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" gregation, have exactly follow'd: for ſom of the Congregations
" where they thus ordain'd Elders were thoſe of *Antioch*, *Iconium*,
" *Lyſtra*, *Derbe*, the Countrys of *Lycaonia*, *Piſidia*, *Pamphilia*, *Perga*,
" with *Attalia*. Now that theſe Citys and Countrys, when the *Ro-*
" *mans* propagated their Empire into *Aſia*, were found moſt of them
" Commonwealths, and that many of the reſt were indu'd with like
" power, ſo that the People living under the protection of the *Roman*
" Emperors, continu'd to elect their own Magiſtrats, is ſo known a
" thing, that I wonder whence it is that men, quite contrary to the
" univerſal proof of theſe examples, will have Eccleſiaſtical Govern-
" ment to be neceſſarily diſtinct from Civil Power, when the Right
" of the Elders ordain'd by the holding up of hands in every Congre-
" gation to teach the People, was plainly deriv'd from the ſame Civil
" Power by which they ordain'd the reſt of their Magiſtrats. And it
" is not otherwiſe in our Commonwealth, where the Parochial Con-
" gregation elects or ordains its Paſtor. To object the Common-
" wealth of *Venice* in this place, were to ſhew us that it has bin no
" otherwiſe but where the Civil Power has loſt the liberty of her
" Conſcience by imbracing Popery; as alſo that to take away the
" Liberty of Conſcience in this Adminiſtration from the Civil Power,
" were a proceding which has no other precedent than ſuch as is Po-
" piſh. Wherfore your Religion is ſettled after the following man-
" ner: the Univerſitys are the Seminarys of that part which is natio-
" nal, by which means others with all ſafety may be permitted to follow
" the Liberty of their own Conſciences, in regard that, however
" they behave themſelves, the ignorance of the unlearned in this caſe
" cannot loſe your Religion nor diſturb your Government, which
" otherwiſe it would moſt certainly do; and the Univerſitys with their
" Emoluments, as alſo the Benefices of the whole Nation, are to be
" improv'd by ſuch Augmentations as may make a very decent and
" comfortable ſubſiſtence for the Miniſtry, which is neither to be al-
" low'd Synods nor Aſſemblys, except upon the occaſion ſhewn in
" the Univerſitys, when they are conſulted by the Council of State,
" and ſuffer'd to meddle with Affairs of Religion, nor to be capable
" of any other public Preferment whatſoever; by which means the
" Intereſt of the Learned can never come to corrupt your Religion, nor
" diſturb your Government, which otherwiſe it would moſt certainly
" do. *Venice*, tho ſhe dos not ſee, or cannot help the corruption of
" her Religion, is yet ſo circumſpect to avoid diſturbance of her Go-
" vernment in this kind, that her Council procedes not to election of
" Magiſtrates, till it be proclaim'd, *Fora Papalini*, by which words
" ſuch as have conſanguinity with red Hats, or relation to the Court
" of *Rome*, are warm'd to withdraw. If a Miniſter in *Holland* meddles
" with matter of State, the Magiſtrat ſends him *a pair of Shoes*;
" wherupon, if he dos not go, he is driven away from his charge.
" I wonder why Miniſters, of all men, ſhould be perpetually tamper-
" ing with Government; firſt becauſe they, as well as others, have it
" in expreſs charge to ſubmit themſelves to the Ordinances of men;
" and ſecondly, becauſe theſe Ordinances of men muſt go upon ſuch
" political Principles, as they of all others, by any thing that can be
" found in their Writings or Actions, leaſt underſtand: whence you
" have the ſuffrage of all Nations to this ſenſe, that an ounce of Wiſ-
" dom is worth a pound of Clergy. Your greateſt Clercs are not

" your

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" your wiſeſt men: and when ſom foul Abſurdity in State is com-
" mitted, it is common with the *French*, and even the *Italians*, to call
" it *Pas de Clerc*, or, *Governo de Prete*. They may bear with men
" that will be preaching without ſtudy, while they will be govern-
" ing without Prudence. My Lords, if you know not how to rule
" your Clergy, you will moſt certainly, like a man that cannot rule
" his Wife, have neither quiet at home, nor honor abroad. Their
" honeſt Vocation is to teach your Children at the Schools and the
" Univerſitys, and the People in the Pariſhes; and yours is concern'd
" to ſee that they do not play the ſhrews: of which parts dos con-
" ſiſt the Education of your Commonwealth, ſo far as it regards Re-
" ligion.

The Ins of Court and Chancery.

" TO JUSTICE, or that part of it which is commonly executive,
" anſwers the Education of the Ins of Court and Chancery. Upon
" which to philoſophize requires a public kind of Learning that I have
" not. But they who take upon them any Profeſſion proper to the E-
" ducations mention'd, that is, Theology, Phyſic, or Law, are not
" at leiſure for the Eſſays. Wherfore the Eſſays being Degrees wher-
" by the Youth commence for all Magiſtracys, Offices, and Honors in
" the Pariſh, Hundred, Tribe, Senat or Prerogative; Divines, Phy-
" ſicians, and Lawyers, not taking theſe Degrees, exclude themſelves
" from all ſuch Magiſtracys, Offices, and Honors. And wheras
" Lawyers are likeſt to exact further reaſon for this, they (growing
" up from the moſt gainful Art at the Bar to thoſe Magiſtracys upon
" the Bench, which are continually appropriated to themſelves, and
" not only indow'd with the greateſt Revenues, but alſo held for
" life) have the leaſt reaſon of all the reſt to pretend to any other;
" eſpecially in an equal Commonwealth, where Accumulation of Ma-
" giſtracy, or to take a Perſon ingag'd by his Profit to the Laws, as
" they ſtand, into the Power which is Legiſlative, and which ſhould
" keep them to what they were, or ought to be, were a Solœciſm in
" Prudence. It is true, that the Legiſlative Power may have need of
" Advice and Aſſiſtance from the executive Magiſtracy, or ſuch as are
" learned in the Law; for which cauſe the Judges are, as they have
" heretofore bin, Aſſiſtants in the Senat. Nor, however it came about,
" can I ſee any reaſon why a Judg, being but an Aſſiſtant or Lawyer,
" ſhould be Member of a Legiſlative Council.

" I DENY not, that the *Roman* Patricians were all Patrons, and
" that the whole People were Clients, ſom to one Family, and ſom to
" another, by which means they had their Cauſes pleaded and defend-
" ed in ſom appearance *gratis*; for the Patron took no Mony, tho if
" he had a Daughter to marry, his Clients were to pay her Portion:
" nor was this ſo great a grievance. But if the Client accus'd his
" Patron, gave teſtimony or ſuffrage againſt him, it was a crime of
" ſuch a nature, that any man might lawfully kill him as a Traitor;
" and this, as being the nerve of the Optimacy, was a great cauſe of
" ruin to that Commonwealth: for when the People would carry
" any thing that pleas'd not the Senat, the Senators were ill provided
" if they could not intercede, that is, oppoſe it by their Clients;
" with whom, to vote otherwiſe than they pleas'd, was the higheſt
" Crime. The obſervation of this Bond till the time of the GRAC-
" CHI, that is to ſay, till it was too late, or to no purpoſe to break it,
" was the cauſe, why in all the former heats and diſputes that had

" happen'd

" happen'd between the Senat and the People, it never came to blows;
" which indeed was good: but withal, the People could have no re-
" medy, which was certainly evil. Wherfore I am of opinion, that
" a Senator ought not to be a Patron or Advocat, nor a Patron or Ad-
" vocat to be a Senator: for if his Practice be *gratis*, it debauches the
" People; and if it be mercenary, it debauches himself: take it which
" way you will, when he should be making of Laws, he will be
" knitting of Nets.

" LYCURGUS, as I said, by being a Traveller became a Le-
" giſlator, but in times when Prudence was another thing. Neverthe-
" leſs we may not ſhut out this part of Education in a Commonwealth,
" which will be herſelf a Traveller; for thoſe of this make have
" ſeen the World, eſpecially becauſe this is certain (tho it be not re-
" garded in our times, when things being left to take their chance, it
" fares with us accordingly) that no man can be a Politician, except he
" be firſt a Hiſtorian or a Traveller; for except he can ſee what muſt
" be, or what may be, he is no Politician. Now if he has no know-
" lege in Story, he cannot tell what has bin; and if he has not bin a
" Traveller, he cannot tell what is: but he that neither knows what
" has bin, nor what is, can never tell what muſt be, or what may be.
" Furthermore, the Embaſſys in ordinary by our Conſtitution are the
" Prizes of young men, more eſpecially ſuch as have bin Travellers.
" Wherfore they of theſe Inclinations having leave of the Cenſors,
" ow them an account of their time, and cannot chuſe but lay it out
" with ſom ambition of Praiſe or Reward, where both are open:
" whence you will have eys abroad, and better choice of public Mini-
" ſters; your Gallants ſhewing themſelves not more to the Ladys at
" their Balls, than to your Commonwealth at her Academy, when
" they return from their Travels.

" BUT this Commonwealth being conſtituted more eſpecially of
" two Elements, Arms and Councils, drives by a natural inſtinct at
" Courage and Wiſdom; which he who has attain'd, is arriv'd at the
" perfection of human nature. It is true, that theſe Virtues muſt have
" ſome natural root in him that is capable of them; but this amounts
" not to ſo great a matter as ſome will have it. For if Poverty makes
" an induſtrious, a moderate Eſtate a temperat, and a laviſh Fortune a
" wanton man, and this be the common courſe of things; Wiſdom
" then is rather of neceſſity than inclination. And that an Army
" which was meditating upon flight, has bin brought by deſpair to
" win the Field, is ſo far from being ſtrange, that like cauſes will e-
" vermore produce like effects. Wherfore this Commonwealth drives
" her Citizens like Wedges; there is no way with them but thorow,
" nor end but that Glory whereof Man is capable by Art or Nature.
" That the Genius of the *Roman* Familys commonly preſerv'd it ſelf
" throout the line (as to inſtance in ſom, the MANLII were ſtill
" ſevere, the PUBLICOLÆ lovers, and the APPII haters of the
" People) is attributed by MACHIAVEL to their Education: nor,
" if Intereſt might add to the reaſon why the Genius of a *Patrician*
" was one thing, and that of a *Plebeian* another, is the like ſo appa-
" rent between different Nations, who, according to their different
" Educations, have yet as different manners. It was antiently noted,
" and long confirm'd by the actions of the *French*, that in their firſt aſ-
" faults their Courage was more than that of Men; and for the reſt leſs

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" than that of Women: which nevertheleſs, thro the amendment of " their Diſciplin, we ſee now to be otherwiſe. I will not ſay, but " that ſom Man or Nation upon an equal improvement of this kind " may be lighter than ſom other; but certainly, Education is the " ſcale without which no Man or Nation can truly know his or her " own weight or value. By our Hiſtorys we can tell when one " *Marpeſian* would have beaten ten *Oceaners*, and when one *Oceaner* " would have beaten ten *Marpeſians*. MARC ANTHONY was a " *Roman*, but how did that appear in the imbraces of CLEOPATRA? " You muſt have ſom other Education for your Youth; or they, like " that paſſage, will ſhew better in Romance than true Story.

" THE Cuſtom of the Commonwealth of *Rome* in diſtributing " her Magiſtracys without reſpect of age, happen'd to do well in " CORVINUS and SCIPIO; for which cauſe MACHIAVEL (with " whom that which was don by *Rome*, and that which is well don, " is for the moſt part all one) commends this courſe. Yet how " much it did worſe at other times, is obvious in POMPY and CÆ- " SAR; Examples by which BOCCALINI illuſtrats the Prudence of " *Venice* in her contrary practice, affirming it to have bin no ſmall ſtep " to the ruin of the *Roman* Liberty, that theſe (having taſted in " their Youth of the ſupreme Honors) had no greater in their age to " hope for, but by perpetuating of the ſame in themſelves; which " came to Blood, and ended in Tyranny. The opinion of VERU- " LAMIUS is ſafe: *The Errors*, ſays he, *of young men are the ruin of* " *buſineſs*; *wheras the Errors of old Men amount but to this, that more* " *might have bin don, or ſooner*. But tho their Wiſdom be little, their " Courage is great: Wherfore (to com to the main Education of " this Commonwealth) the Militia of *Oceana* is the Province of " Youth.

" THE diſtribution of this Province by the Eſſays is ſo fully de- " ſcrib'd in the Order, that I need repeat nothing: the Order itſelf " being but a Repetition or Copy of that Original, which in antient " Prudence is of all others the faireſt; as that from whence the Com- " monwealth of *Rome* more particularly deriv'd the Empire of the " World. And there is much more reaſon in this age, when Govern- " ments are univerſally broken, or ſwerv'd from their Foundations, " and the People groan under Tyranny, that the ſame cauſes (which " could not be withſtood when the World was full of popular Go- " vernments) ſhould have the like effects.

" THE Cauſes in the Commonwealth of *Rome*, wherof the Em- " pire of the World was not any miraculous, but a natural (nay I may " ſafely ſay a neceſſary) conſequence, are contain'd in that part of her " Diſciplin which was domeſtic, and in that which ſhe exercis'd in her " Provinces or Conqueſt. Of the latter I ſhall have better occa- " ſion to ſpeak when we com to our provincial Orbs; the former " divided the whole People by Tribes, amounting, as LIVY and " CICERO ſhew, at their full growth to thirty five, and every " Tribe by the Cenſe or Valuation of Eſtates into five Claſſes: for the " ſixth being *Proletary*, that is the Nurſery, or ſuch as thro their po- " verty contributed nothing to the Commonwealth but Children, was " not reckon'd nor us'd in Arms. And this is the firſt point of the " Militia, in which modern Prudence is quite contrary to the antient; " for wheras we, excuſing the rich, and arming the poor, becom the

" Vaſſals

" Vaſſals of our Servants, they, by excuſing the poor, and arming " ſuch as were rich enough to be Freemen, became Lords of the Earth. " The Nobility and Gentry of this Nation, who underſtand ſo little " what it is to be the Lords of the Earth, that they have not bin able to " keep their own Lands, will think it a ſtrange Education for their " Children to be common Soldiers, and oblig'd to all the Dutys of " Arms: nevertheleſs it is not for 4 *s.* a week, but to be capable of " being the beſt man in the Field or in the City; the latter part of " which conſideration makes the common Soldier herin a better man " than the General of any monarchical Army. And wheras it may " be thought, that this would drink deep of noble Blood, I dare " boldly ſay, take the *Roman* Nobility in the heat of their fierceſt " Wars, and you ſhall not find ſuch a ſhambles of them as has bin " made of ours by mere Luxury and Slothfulneſs; which, killing the " Body, kill the Soul alſo; *Animaſque in vulnere ponunt.* Wheras " common Right is that which he who ſtands in the vindication of, has " us'd that Sword of Juſtice for which he receives the purple of " Magiſtracy. The Glory of a man on Earth can go no higher, and " if he falls he riſes again, and comes ſooner to that reward which is " ſo much higher as Heaven is above the Earth. To return to the " *Roman* Example: Every Claſſis was divided, as has bin more than " once ſhewn, into Centurys, and every Century was equally divi- " ded into Youth and Elders; the Youth for foren Service, and the " Elders for the guard of the Territory. In the firſt Claſſis were a- " bout eighteen Centurys of Horſe, being thoſe which by the Inſti- " tution of SERVIUS were firſt call'd to the Suffrage in the * Cen- " turial Aſſemblys. But the *Delectus*, or Levy of an Army, which " is the preſent buſineſs, proceded, according to POLYBIUS, in this " manner.

" UPON a War decreed, the Conſuls elected four and twenty mi- " litary Tribuns or Colonels; wherof ten, being ſuch as had merited " their tenth Stipend, were younger Officers. The Tribuns being " choſen, the Conſuls appointed a day to the Tribes, when thoſe in " them of military age were to appear at the Capitol; the day being " com, and the Youth aſſembl'd accordingly, the Conſuls aſcended " their Tribunal, and the younger Tribuns were ſtraight divided into " four parts after this manner: four were aſſign'd to the firſt Legion " (a Legion at the moſt conſiſted of 6000 Foot, and 300 Horſe) " three to the ſecond, four to the third, and three to the fourth. The " younger Tribuns being thus diſtributed, two of the elder were " aſſign'd to the firſt Legion, three to the ſecond, two to the third, " and three to the fourth. And the Officers of each Legion thus aſ- " ſign'd, having drawn the Tribes by Lot, and being ſeated accord- " ing to their diviſions at a convenient diſtance from each other, " the Tribe of the firſt Lot was call'd: wherupon they that were of " it knowing the buſineſs, and being prepar'd, preſently bolted out four " of their number, in the choice wherof ſuch care was taken, that " they offer'd none that was not a Citizen; no Citizen that was not " of the Youth; no Youth that was not of ſom one of the five " Claſſes; nor any one of the five Claſſes that was not expert at his " Exerciſes. Moreover, they uſed ſuch diligence in matching them

* Centuriatis.

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" for Age and Stature, that the Officers of the Legions, except they
" happen'd to be acquainted with the Youth ſo bolted, were forc'd to
" put themſelves upon fortune, while they of the firſt Legion choſe
" one; they of the ſecond, the next; they of the third another;
" and the fourth Youth fell to the laſt Legion: and thus was the
" Election (the Legions and the Tribes varying according to their
" Lots) carry'd on till the Foot were complete. The like courſe with
" little alteration was taken by the Horſe Officers till the Horſe alſo
" were complete. This was call'd giving of Names, which the
Judg 20. 9. " Children of *Iſrael* did alſo by Lot; and if any man refus'd to give
" his Name, he was ſold for a Slave, or his eſtate confiſcated to the
" Commonwealth. *When* * MARCUS CURIUS *the Conſul was forc'd*
" *to make a ſudden Levy, and none of the Youth would give in their*
" *Names, all the Tribes being put to the Lot, he commanded the firſt*
" *Name drawn out of the Urn of the* Pollian *Tribe (which happen'd to*
" *com firſt) to be call'd; but the Youth not anſwering, he order'd his Goods*
" *to be ſold:* which was conformable to the Law in *Iſrael*, according
" to which SAUL took a yoke of Oxen, and hew'd them in pieces,
1 Sam. 11. 7. " and ſent them throout the Tribes, ſaying, *Whoſoever coms not forth*
" *to battel after* SAUL *and* SAMUEL, *ſo ſhall it be done to his Oxen.*
" By which you may obſerve alſo, that they who had no Cattel
" were not of the Militia in *Iſrael.* But the age of the *Roman* Youth
" by the *Tullian* Law determin'd at 30; and by the Law (tho it
" ſhould ſeem by MACHIAVEL and others, that this was not
" well obſerv'd) a Man could not ſtand for Magiſtracy till he was
" *Miles emeritus*, or had fulfil'd the full term of his Miiitia, which
" was complete in his tenth Stipend or Service: nor was he after-
" wards oblig'd under any penalty to give his name, except the
" Commonwealth were invaded, in which caſe the Elders were as
" well oblig'd as the Youth. † The Conſul might alſo levy *Milites*
" *evocatos*, or Soldiers, commanded Men out of ſuch as had ſerv'd
" their turn, and this at his diſcretion. The Legionsbeing thus com-
" plete, were divided by two to each Conſul; and in theſe no Man
" had right to ſerve but a *Roman* Citizen: now becauſe two Le-
" gions made but a ſmall Army, the *Romans* added to every one of
" their Armys an equal number of Foot, and a double number of
" Horſe levy'd among their *Latin* or *Italian* Aſſociats; ſo a Conſular
" Army, with the Legions and Auxiliarys, amounted to about thirty
" thouſand: and wheras they commonly levy'd two ſuch Armys to-
" gether, theſe being join'd made about ſixty thouſand.

" THE Steps wherby our Militia follows the greateſt Captain,
" are the three Eſſays; the firſt, elected by a fifth man in the ‖ Pa-
" riſhes, and amounting in the whole to one hundred thouſand, chuſe
" their Officers at the ** Hundreds, where they fall alſo to their
" Games or Exerciſes, invited by handſom Prizes, ſuch as for them-
" ſelves and the honor of them will be coveted; ſuch as will render
" the Hundred a place of Sports, and exerciſe of Arms all the year
" long; ſuch as in the ſpace of ten years will equip 30000 Men

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* Marcus Curius Conſul cum ſubitum delectum edicere coactus eſſet, & juniorum nemo reſpondiſſet, conjectis in ſortem omnibus, Polliæ quæ proxima exierat, primum nomen urnâ extractum citari juſſit, neque eo reſpondente, bona adoleſcentis haſtâ ſubjecit. *Val.* † Quod per magnos tumultus fieri ſolitum erat, juſtitio indicto, delectus ſine vacationibus habitus eſt. *Liv.*
‖ Curiatis. ** Centuriatis.

" Horſe

" Horſe and Foot, with ſuch Arms for their Forge, Proof, and Beau-
" ty, as (notwithſtanding the *Argyraſpides*, or ſilver Shields of
" ALEXANDER's Guards) were never worn by ſo many; ſuch
" as will preſent marks of Virtue and Direction to your General or
" Strategus in the diſtribution of his Army, which doubles the va-
" lue of them to the Proprietors, who are bound to wear them, and
" eaſes the Commonwealth of ſo much Charge, ſo many being arm'd
" already.

" BUT here will be the Objection now. How ſhall ſuch a Revenue
" be compaſs'd? Fifty pounds a year in every Hundred is a great deal,
" not ſo eaſily rais'd: Men will not part with their Mony; nor would
" the ſum as it is propos'd by the Order of *Pompey*, riſe in many years.
" Theſe are difficulties that fit our Genius exactly: And yet a thou-
" ſand pounds in each Hundred once levy'd, eſtabliſhes the Revenue for
" ever. Now the Hundreds one with another are worth ten thouſand
" pounds a year dry Rent, over and above perſonal Eſtates, which
" bring it to twice the value: So that a twentieth part of one year's
" Revenue of the Hundred dos it. If you cannot afford this while
" you pay Taxes, tho from henceforth they will be but ſmall ones, do
" it when you pay none. If it be then too much for one year, do it
" in two: If it be too much for two years, do it in four. What
" Huſbands have we hitherto bin? What is becom of greater Sums?
" My Lords, if you ſhould thus caſt your Bread upon the Waters,
" after many days you ſhall find it: ſtand not huckling when you
" are offer'd Corn and your Mony again in the mouth of the Sack.

" BUT to proceed: The firſt Eſſay being officer'd at the Hundreds,
" and muſter'd at the * Tribes (where they are entertain'd with other
" Sports, which will be very fine ones) procedes to the Election of the
" ſecond Eſſay, or ſtanding Army of this Nation, conſiſting of thirty
" thouſand Foot, and ten thouſand Horſe; and theſe, upon a War
" decreed, being deliver'd at the Rendevous of *Oceana* to the Stra-
" tegus, are the third Eſſay, which anſwers to the *Roman* Legions.
" But you may obſerve, that wheras the Conſuls elected the military
" Tribuns, and rais'd commanded Men out of the Veterans at their
" own diſcretion: our Polemarchs or Field Officers are elected by the
" Scrutiny of the Council of War: and our Veterans not otherwiſe
" taken on than as Volunteers, and with the conſent of the Pole-
" marchs; which may ſerve for the removal of certain ſcruples which
" might otherwiſe be incident in this place, tho without incourage-
" ment by the *Roman* way of proceding, much leſs by that which
" is propos'd. But wheras the *Roman* Legions in all amounted not
" in one Army to above 30000 Men, or little more, you have here
" forty thouſand; and wheras they added Auxiliarys, it is in this
" regard that *Marpeſia* will be a greater Revenue to you, than if you
" had the *Indys*; for wheras heretofore ſhe has yielded you nothing
" but her native Thiſtles, in plowing out the rankneſs of her Ariſto-
" cracy by your Agrarian, you will find her an inexhauſtible Magazin
" of Men, and to her own advantage, who will make a far better
" account by the Arms, than by the Pins of *Poland*. Wherfore as a
" Conſular Army conſiſted of about an equal number of Auxiliarys
" added to their Legions by their *Latin* or *Italian* Aſſociats, you may

* Tributis.

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" add to a Parlamentary Army an equal number of *Marpeſians* or *Pa-*
" *nopeans*, as that Colony ſhall hereafter be able to ſupply you: By
" which means the Commonwealth will be able to go forth to Battel
" with fourſcore thouſand Men. To make Wars with ſmall Forces
" is no Huſbandry, but a waſt, a diſeaſe, a lingring and painful con-
" ſumtion of Men and Mony; the *Romans* making theirs thick, made
" them ſhort, and had little regard to Mony, as that which they who
" have Men enow, can command where it is fitteſt that it ſhould be
" levy'd. All the antient Monarchys by this means got on wing, and
" attain'd to vaſt Riches. Wheras your modern Princes being dear
" purchaſers of ſmall parcels, have but emty pockets. But it may
" be ſom will accuſe the Order of raſhneſs, in that it commits the ſole
" Conduct of the War to the General; and the Cuſtom of *Venice* by
" her *Proveditori*, or checks upon her Commanders in chief, may
" ſeem to be of greater Prudence: but in this part of our Government
" neither *Venice* nor any Nation that makes uſe of Mercenary Forces
" is for our inſtruction. A mercenary Army, with a ſtanding Gene-
" ral, is like the fatal Siſter that ſpins; but proper Forces, with an
" annual Magiſtrat, are like her that cuts the thred. Their Intereſts
" are quite contrary, and yet you have a better Proveditor than the
" *Venetian*, another Strategus ſitting with an Army ſtanding by him;
" wherupon that which is marching, if there were any probability it
" ſhould, would find as little poſſibility that it could recoil, as a
" foren Enemy to invade you. Theſe things conſider'd, a War will
" appear to be of a contrary nature to that of all other reckonings,
" inaſmuch as of this you muſt never look to have a good account if
" you be ſtrict in impoſing checks. Let a Council of Huntſmen
" aſſembled beforehand, tell you which way the Stag ſhall run, where
" you ſhall caſt about at the fault, and how you ſhall ride to be in at
" the chaſe all the day: but theſe may as well do that, as a Council
" of War direct a General. The hours that have painted wings, and
" of different colors, are his Council: he muſt be like the Ey that
" makes not the Scene, but has it ſo ſoon as it changes. That in many
" Counſillors there is ſtrength, is ſpoken of Civil Adminiſtrations:
" as to thoſe that are military, there is nothing more certain, than
" that in many Counſillors there is weakneſs. Joint Commiſſions in
" military affairs, are like hunting your Hounds in their Couples. In
" the *Attic* War CLEOMENES and DEMARATUS, Kings of *Lace-*
" *demon*, being thus coupl'd, tug'd one againſt another; and while
" they ſhould have join'd againſt the *Perſian*, were the cauſe of the
" common calamity: wherupon that Commonwealth took better
" Counſil, and made a Law, wherby from thenceforth there went
" at once but one of her Kings to Battel.

" *THE* Fidenati *being in rebellion, and having ſlain the Colony of*
" *the* Romans, *four Tribuns with Conſular Power were created by the Peo-*
" *ple of* Rome, *wherof one being left for the guard of the City, the other*
" *three were ſent againſt the* Fidenati, *who, thro the diviſion that happen'd*
" *among them, brought nothing home but Diſhonor: wherupon the* Ro-
" mans *created the Dictator, and* LIVY *gives his Judgment in theſe*
" *words:* * *The three Tribuns with Conſular Power were a leſſon how uſeleſs*

* Tres Tribuni, poteſtate Conſulari, documento fuêre, quàm plurium imperium bello inutile eſſet; tendendo ad ſua quiſque conſilia, cum alii aliud videretur, aperuerunt ad occaſionem, locum hoſti.

" *in*

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" *in War is the joint Command of ſeveral Generals; for each following* " *his own Counſils, while they all differ'd in their opinions, gave by this* " *opportunity an advantage to the Enemy. When the Conſuls,* QUINTIUS " *and* AGRIPPA *were ſent againſt the* ÆQUI, AGRIPPA *for this* " *reaſon refus'd to go with his Colleague, ſaying,* * *That in the admini-* " *ſtration of great Actions it was moſt ſafe that the chief Command* " *ſhould be lodg'd in one Perſon. And if the Ruin of modern Armys* " *were well conſider'd, moſt of it would be found to have faln upon this* " *point: it being in this caſe far ſafer to truſt to any one Man of common* " *Prudence, than to any two or more together of the greateſt Parts.* The " Conſuls indeed being equal in Power, while one was preſent with " the Senat, and the other in the Field with the Army, made a good " Balance; and this with us is exactly follow'd by the Election of a " new Strategus upon the march of the old one.

" THE ſeven and twentieth Order, wherby the Elders in caſe " of Invaſion are oblig'd to equal duty with the Youth, and each " upon their own charge, is ſuitable to Reaſon (for every Man de- " fends his own Eſtate) and to our Copy, as in the War with the " *Samnits* and *Tuſcans.* † *The Senat order'd a Vacation to be proclaim'd,* " *and a Levy to be made of all ſorts of Perſons: And not only the Free-* " *men and Youths were liſted, but Cohorts of the old Men were likewiſe* " *form'd.* This Nation of all others is the leaſt obnoxious to Invaſion. " *Oceana,* ſays a *French* Politician, is a Beaſt that cannot be devour'd " but by herſelf; nevertheleſs, that Government is not perfect which " is not provided at all points; and in this (*ad Triarios res rediit*) " the Elders being ſuch as in a martial State muſt be Veterans, the " Commonwealth invaded gathers ſtrength like ANTÆUS by her " fall, while the whole number of the Elders conſiſting of five hun- " dred thouſand, and the Youth of as many, being brought up ac- " cording to the Order, give twelve ſucceſſive Battels, each Battel " conſiſting of eighty thouſand Men, half Elders and half Youth. " And the Commonwealth whoſe Conſtitution can be no ſtranger to " any of thoſe Virtues which are to be acquir'd in human life, grows " familiar with Death ere ſhe dys. If the hand of God be upon her " for her Tranſgreſſions, ſhe ſhall mourn for her Sins, and ly in the " duſt for her Iniquitys, without loſing her Manhood.

Si fractus illabatur orbis,
Impavidam ferient ruinæ.

THE remaining part, being the Conſtitution of the Provincial Orb, is partly Civil, or conſiſting of the Elders; and partly Military, or conſiſting of the Youth. The Civil part of the Provincial Orb is directed by

THE twenty eighth ORDER, *wherby the Council of a Province being conſtituted of twelve Knights, divided by four into three Regions (for their term and revolution conformable to the Parlament) is perpetuated by the annual election at the Tropic of four Knights (being triennial*

28. Order. *Conſtitution of the Civil part of the Provincial Orb.*

* Saluberrimum in adminiſtratione magnarum rerum, ſummam imperii apud unum eſſe.
† Senatus juſtitium indici, delectum omnis generis hominum haberi juſſit: nec ingenui modo, & juniores Sacramento adacti ſunt, ſed ſeniorum etiam cohortes factæ.

Magi-

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Magiſtrats) out of the Region of the Senat whoſe term expires ; and of one Knight out of the ſame Region to be Strategus or General of the Province, which Magiſtracy is annual. The Strategus or Magiſtrat thus choſen, ſhall be as well Preſident of the Provincial Council with power to propoſe to the ſame, as General of the Army. The Council for the reſt ſhall elect weekly Provoſts, having any two of them alſo right to propoſe after the manner of the Senatorian Councils of Oceana. *And wheras all Provincial Councils are Members of the Council of State, they may and ought to keep diligent correſpondence with the ſame, which is to be don after this manner : Any Opinion or Opinions legitimately propos'd and debated at a Provincial Council, being therupon ſign'd by the Strategus, or any two of the Provoſts, may be tranſmitted to the Council of State in* Oceana ; *and the Council of State proceeding upon the ſame in their natural courſe (whether by their own Power, if it be a matter within their Inſtructions, or by Authority of the Senat therupon conſulted, if it be a matter of State which is not in their Inſtructions ; or by Authority of the Senat and Command of the People, if it be a matter of Law, as for the Levys of Men or Mony upon common uſe and ſafety) ſhall return ſuch Anſwers, Advice, or Orders, as in any of the ways mention'd ſhall be determin'd upon the caſe. The Provincial Councils of* Marpeſia *and* Panopea *reſpectivly ſhall take ſpecial care that the Agrarian Laws, as alſo all other Laws that be or ſhall from time to time be enacted by the Parlament of* Oceana, *for either of them, be duly put in execution : they ſhall manage and receive the Cuſtoms of either Nation for the Shipping of* Oceana, *being the common Guard : they ſhall have a care that moderat and ſufficient pay upon the reſpective Province be duly rais'd for the ſupport and maintenance of the Officers and Soldiers, or Army of the ſame, in the moſt effectual, conſtant and convenient way : they ſhall receive the* Regalia, *or public Revenues of thoſe Nations, out of which every Counſillor ſhall have for his term, and to his proper uſe, the Sum of* 500 l. per annum. *and the Strategus* 500 l. *as Preſident, beſides his pay as General, which ſhall be* 1000 *Pounds ; the remainder to go to the uſe of the Knights and Deputys of the reſpective Provinces, to be paid, if it will reach, according to the rates of* Oceana ; *if not, by an equal diſtribution, reſpectively ; or the overplus, if there be any, to be return'd to the Treaſury of* Oceana. *They ſhall manage the Lands (if there be any ſuch held in either of the Provinces by the Commonwealth of* Oceana, *in Dominion) and return the Rents into the Exchequer. If the Commonwealth coms to be poſſeſt of richer Provinces, the Pay of the General or Strategus, and of the Councils, may be reſpectively increas'd. The People for the reſt ſhall elect their own Magiſtrats, and be govern'd by their own Laws, having Power alſo to appeal from their native or provincial Magiſtrats, if they pleaſe, to the People of* Oceana. *And wheras there may be ſuch as receiving Injury, are not able to proſecute their Appeals at ſo great a diſtance, eight Serjeants at Law being ſworn by the Commiſſioners of the Seal, ſhall be ſent by four into each Province once in two Years ; who, dividing the ſame by Circuits, ſhall hear ſuch Cauſes ; and having gather'd and introduc'd them, ſhall return to the ſeveral Appellants,* gratis, *the Determinations and Decrees of the People in their ſeveral caſes.*

THE term of a Knight in a Provincial Orb, as to domeſtic Magiſtracys, ſhall be eſteemed a Vacation, and no bar to preſent Election to any other Honor, his provincial Magiſtracy being expir'd.

THE

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THE Quorum *of a Provincial Council, as alſo of every other Council or Aſſembly in* Oceana, *ſhall in time of health conſiſt of two parts in three of the whole number proper to that Council or Aſſembly; and in a time of ſickneſs, of one part in three: But of the Senat there can be no* Quorum *without three of the Signory; nor of a Council without two of the Provoſts.*

THE Civil part of the Provincial Orb being declar'd by the foregoing Order; the Military part of the ſame is conſtituted by

29 Order. *Conſtitution of the Military part of the Provincial Orb.*

THE twenty ninth ORDER; *wherby the Stratiots of the third Eſſay having drawn the Gold Balls mark'd with the Letter* M, *and being ten Horſe and fifty Foot in a Tribe, that is to ſay, five hundred Horſe, and two thouſand five hundred foot in all, the Tribes ſhall be deliver'd by the reſpective Conductors to the provincial Strategus or General, at ſuch a time and place, or Rendevous, as he ſhall appoint by Order and Certificat of his Election: and the Strategus having receiv'd the Horſe and Foot mention'd, which are the third Claſſis of his provincial Guard or Army, ſhall forthwith lead them away to* Marpeſia, *where the Army conſiſts of three Claſſes, each Claſſis containing three thouſand men, wherof five hundred are Horſe; and receiving the new Strategus with the third Claſſis, the old Strategus with the firſt Claſſis ſhall be diſmiſt by the Provincial Council. The ſame method with the Stratiots of the letter* P, *is to be obſerv'd for the provincial Orb of* Panopea: *and the Commonwealth coming to acquire new Provinces, the Senat and the People may erect new Orbs in like manner, conſiſting of greater or leſs numbers, according as is requir'd by the reſpective occaſion. If a* Stratiot *has once ſerv'd his term in a Provincial Orb, and happens afterwards to draw the Letter of a Province at the Election of the ſecond Eſſay, he may refuſe his Lot; and if he refuſes it, the Cenſor of that Urn ſhall cauſe the Files ballotting at the ſame to make a halt; and if the Stratiot produces the Certificat of his Strategus or General, that he has ſerv'd his time accordingly, the Cenſor throwing the Ball that he drew into the Urn again, and taking out a Blank, ſhall diſmiſs the Youth, and cauſe the Ballot to procede.*

TO perfect the whole Structure of this Commonwealth, ſom Directions are given to the third Eſſay, or Army marching, in

30. Order.

THE thirtieth ORDER. When thou goeſt to battel againſt thy Enemys, and ſeeſt Horſes and Chariots, and a People more than thou; be not afraid of them, for the Lord thy God is he that gos with thee to fight for thee againſt thy Enemys. And when thou divideſt the Spoil, it ſhall be as a Statute and an Ordinance to thee, that as his part is that gos down to the battel, ſo ſhall his part be that tarrys by the Stuff: *that is, (as to the Commonwealth of* Oceana*) The Spoil taken of the Enemy (except Clothes, Arms, Horſes, Ammunition and Victuals, to be divided to the Soldiery by the Strategus and the Polemarchs upon the place according to their diſcretion) ſhall be deliver'd to four Commiſſarys of the Spoils elected and ſworn by the Council of War; which Commiſſarys ſhall be allow'd Shipping by the State, and Convoys according as occaſion ſhall require by the Strategus; to the end that having a Bill of Lading ſign'd by three or more of the Polemarchs, they may ſhip and bring, or cauſe ſuch Spoils to be brought to the Prize-Office in* Oceana, *where they ſhall be*

Deut. 20. 1.

1 Sam. 30. 24.

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be ſold; and the Profit ariſing by ſuch Spoils ſhall be divided into three parts, wherof one ſhall go to the Treaſury, another ſhall be paid to the Soldiery of this Nation, and a third to the Auxiliarys at their return from their Service, provided that the ſaid Auxiliarys be equal in number to the proper Forces of this Nation, otherwiſe their Share ſhall be ſo much leſs as they themſelves are fewer in number: the reſt of the two thirds to go to the Officers and Soldiers of the proper Forces. And the Spoils ſo divided to the proper Forces, ſhall be ſubdivided into three equal parts, wherof one ſhall go to the Officers, and two to the common Soldiers: The like for the Auxiliarys. And the Share allotted to the Officers ſhall be divided into four equal parts, wherof one ſhall go to the Strategus, another to the Polemarchs, a third to the Colonels, and a fourth to the Captains, Cornets, Enſigns, and under Officers, receiving their ſhare of the Spoil as common Soldiers: The like for the Auxiliarys. And this upon pain, in the caſe of failure, of what the People of Oceana *(to whom the Cognizance of Peculat or Crimes of this nature is properly appertaining) ſhall adjudg or decree.*

UPON theſe three laſt Orders the ARCHON ſeem'd to be haranguing at the head of his Army in this manner.

My Dear Lords and Excellent Patriots;

" A GOVERNMENT of this make is a Commonwealth for " Increaſe. Of thoſe for Preſervation, the Inconveniences and " Frailtys have bin ſhewn: Their Roots are narrow, ſuch as do not " run, have no Fibers, their tops weak and dangerouſly expos'd to " the weather; except you chance to find one, as *Venice*, planted in " a Flowerpot; and if ſhe grows, ſhe grows top-heavy, and falls too. " But you cannot plant an Oak in a Flowerpot; ſhe muſt have Earth " for her Root, and Heaven for her Branches.

Imperium Oceano, famam quæ terminet aſtris.

" *ROME* was ſaid to be broken by her own weight, but poeti- " cally: For that Weight by which ſhe was pretended to be ruin'd, " was ſupported in her Emperors by a far ſlighter Foundation. And " in the common experience of good Architecture, there is nothing " more known, than that Buildings ſtand the firmer and the longer " for their own weight; nor ever ſwerve thro any other internal " cauſe, than that their Materials are corruptible: But the People ne- " ver dy; nor, as a political Body, are ſubject to any other Corrup- " tion than that which derives from their Government. Unleſs a " Man will deny the Chain of Cauſes, in which he denys God, he " muſt alſo acknowledge the Chain of Effects; wherfore there can be " no effect in Nature, that is not from the firſt Cauſe, and thoſe ſuc- " ceſſive Links of the Chain, without which it could not have bin. " Now except a Man can ſhew the contrary in a Commonwealth; if " there be no cauſe of Corruption in the firſt make of it, there can " never be any ſuch Effect. Let no Man's Superſtition impoſe Pro- " faneneſs upon this Aſſertion; for as Man is ſinful, but yet the U- " niverſe is perfect, ſo may the Citizen be ſinful, and yet the Com- " monwealth be perfect. And as Man, ſeeing the World is perfect, " can never commit any ſuch Sin as ſhall render it imperfect, or bring

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" it to a natural diſſolution; ſo the Citizen, where the Common-
" wealth is perfect, can never commit any ſuch Crime as will render
" it imperfect, or bring it to a natural diſſolution. To com to ex-
" perience; *Venice*, notwithſtanding we have found ſome flaws in
" it, is the only Commonwealth in the make wherof no man can
" find a cauſe of diſſolution; for which reaſon we behold her (tho
" ſhe conſiſts of men that are not without ſin) at this day with one
" thouſand Years upon her back, yet for any internal cauſe, as young,
" as freſh, and free from decay, or any appearance of it, as ſhe was
" born: but whatever in nature is not ſenſible of decay by the courſe
" of a thouſand Years, is capable of the whole Age of Nature; by
" which Calculation, for any check that I am able to give my ſelf, a
" Commonwealth, rightly order'd, may, for any internal cauſes, be
" as immortal or longliv'd as the World. But if this be true, thoſe
" Commonwealths that are naturally fall'n, muſt have deriv'd their
" Ruin from the Riſe of them. *Iſrael* and *Athens* dy'd not natural but
" violent deaths; in which manner the World itſelf is to dy. We
" are ſpeaking of thoſe cauſes of Diſſolution which are natural to
" Government; and they are but two, either Contradiction or In-
" equality: If a Commonwealth be a Contradiction, ſhe muſt needs
" deſtroy her ſelf; and if ſhe be inequal, it tends to ſtrife, and ſtrife
" to ruin. By the former of theſe fell *Lacedemon*, by the latter *Rome*.
" *Lacedemon* being made altogether for War, and yet not for Increaſe,
" her natural Progreſs became her natural Diſſolution, and the build-
" ing of her own victorious Hand too heavy for her Foundation; ſo
" that ſhe fell indeed by her own weight. But *Rome* periſh'd thro
" her native Inequality, which how it inveterated the Boſoms of the
" Senat and the People each againſt other, and even to death, has bin
" ſhewn at large.

" LOOK well to it, my Lords, for if there be a contradiction or
" inequality in your Commonwealth, it muſt fall; but if it has neither
" of theſe, it has no principle of Mortality. Do not think me impu-
" dent; if this be truth, I ſhall commit a groſs indiſcretion in con-
" cealing it. Sure I am that MACHIAVEL is for the immorta-
" lity of a Commonwealth upon far weaker Principles. *If a Com-* Dif B.3.c.22. b.3.c.29.
" *monwealth*, ſays he, *were ſo happy as to be provided often with men,*
" *that, when ſhe is ſwerving from her principles, ſhould reduce her to*
" *her Inſtitution, ſhe would be immortal.* But a Commonwealth, as
" we have demonſtrated, ſwerves not from her Principles, but by
" and thro her Inſtitution; if ſhe brought no Biaſs into the world
" with her, her courſe for any internal Cauſe muſt be ſtreight for-
" ward, as we ſee is that of *Venice*. She cannot turn to the right
" hand, nor to the left, but by ſom rub, which is not an internal but
" external cauſe; againſt ſuch ſhe can be no way fortify'd, but
" thro her Situation, as is *Venice*; or thro her Militia, as was *Rome*:
" by which Examples a Commonwealth may be ſecure of thoſe alſo.
" Think me not vain, for I cannot conceal my opinion here; a Com-
" monwealth that is rightly inſtituted can never ſwerve, nor one that
" is not rightly inſtituted be ſecur'd from ſwerving by reduction to her
" firſt Principles: Wherfore it is no leſs apparent in this place, that
" MACHIAVEL underſtood not a Commonwealth as to the whole
" piece, than where having told you, *That a Tribun, or any other Ci-* Dif.B.1.c.18.
" *tizen of* Rome, *might propoſe a Law to the People, and debate it with*

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" *them*; he adds, *this Order was good, while the People were good*; *but* " *when the People became evil, it became moſt pernicious.* As if this Or- " der (thro which, with the like, the People moſt apparently became " evil) could ever have bin good; or that the People, or the Common- " wealth could ever have becom good, by being reduc'd to ſuch Princi- " ples as were the Original of their Evil. The Diſeaſe of *Rome* was, " as has bin ſhewn, from the native inequality of her Balance, and no " otherwiſe from the Empire of the World, than as, this falling into " one Scale, that of the Nobility (an evil in ſuch a Fabric inevitable) " kick'd out the People. Wherfore a man that could have made her " to throw away the Empire of the World, might in that have re- " duc'd her to her Principles; and yet have bin ſo far from rendring " her immortal, that going no further, he ſhould never have cur'd " her. But your Commonwealth is founded upon an equal Agra- " rian; and if *the Earth be given to the Sons of men*, this Balance is the " Balance of Juſtice, ſuch a one as in having due regard to the diffe- " rent Induſtry of different men, yet *faithfully judges the Poor. And*
Prov. 29. 14. " *the King that faithfully judges the Poor, his Throne ſhall be eſtabliſh'd* " *for ever*; much more the Commonwealth, ſeeing that equality " which is the neceſſary diſſolution of Monarchy, is the Generation, " the very Life and Soul of a Commonwealth. And now, if ever, " I may be excuſable, ſeeing my aſſertion, that the Throne of a Com- " monwealth may be eſtabliſh'd for ever, is conſonant to the holy " Scriptures.

" THE Balance of a Commonwealth that is equal, is of ſuch a " nature, that whatever falls into her Empire, muſt fall equally; and " if the whole Earth falls into your Scales, it muſt fall equally; and " ſo you may be a greater People, and yet not ſwerve from your Prin- " ciples one hair. Nay, you will be ſo far from that, that you muſt " bring the world in ſuch a caſe to your Balance, even to the Balance " of Juſtice. But hearken, my Lords; are we on Earth? do we ſee " the Sun? or are we viſiting thoſe ſhady places which are feign'd by " the Poets?

Continuò auditæ voces, vagitus & ingens.

" Theſe *Gothic* Empires that are yet in the world, were at the firſt, " tho they had legs of their own, but a heavy and unweildy burden; " but their Foundations being now broken, the Iron of them enters " even into the Souls of the Oppreſt; and hear the voice of their Com- " forters: *My Father hath chaſtiſed you with Whips, but I will chaſtiſe* " *you with Scorpions.* Hearken, I ſay; if thy Brother crys to thee in " affliction, wilt thou not hear him? This is a Commonwealth of the " Fabric, that has an open ear and a public concern; ſhe is not made " for her ſelf only, but given as a Magiſtrat of God to Mankind, for " the vindication of common Right, and the Law of Nature. Wher- " fore ſays CICERO of the like, that of the *Romans*, * *We have ra-* " *ther undertaken the Patronage, than the Empire of the World.* If you, " not regarding this Example, like ſom other Nations that are upon " the point to ſmart for it, ſhall, having attain'd to your own Liberty, " *bear the Sword* of your common Magiſtracy *in vain*, ſit ſtill, and

* Nos magis Patronatum orbis terrarum ſuſcepimus, quam Imperium.

" fold

" fold your Arms, or, which is worſe, let out the Blood of your Peo-
" ple to Tyrants, to be ſhed in the defence of their Yokes like Water,
" and ſo not only *turn the Grace of God into wantonneſs*, but his *Juſtice*
" *into Wormwood:* I ſay if you do thus, you are not now making a Com-
" monwealth, *but heaping Coals of fire upon your own heads.* A Com-
" monwealth of this make is a Miniſter of God upon Earth, to the end
" that the World may be *govern'd with Righteouſneſs.* For which cauſe
" (that I may com at length to our preſent buſineſs) the Orders laſt
" rehears'd are buds of Empire, ſuch as with the bleſſing of God may
" ſpread the Arms of your Commonwealth, like a holy *Aſylum*, to the
" diſtreſs'd World, and give the Earth her Sabbath of years, or reſt
" from her Labors, under the ſhadow of your Wings. It is upon this
" point where the Writings of MACHIAVEL, having for the reſt
" excel'd all other Authors, com as far to excel themſelves.

" *COMMONWEALTHS*, ſays he, *have had three ways of pro-* Diſc. B. 2. C. 4.
" *pagating themſelves*, one after the manner of Monarchys, *by impo-*
" *ſing the Yoke, which was the way of* Athens, *and towards the latter*
" *times of* Lacedemon; *another by equal Leagues, which is the way of*
" Switzerland; (I ſhall add of *Holland*, tho ſince his time) *a third by*
" *inequal Leagues, which, to the ſhame of the World, was never prac-*
" *tis'd*, nay nor ſo much as ſeen or minded, *by any other Common-*
" *wealth but that only of* Rome. They will each of them, either for
" caution or imitation, be worthy to be well weigh'd, which is the
" proper work of this place. *Athens* and *Lacedemon* have bin the
" occaſion of great ſcandal to the world, in two, or at leaſt one
" of two regards: the firſt their Emulation, which involv'd *Greece*
" in perpetual Wars; the ſecond their way of Propagation, which by
" impoſing Yokes upon others, was plainly contradictory to their own
" Principles.

" FOR the firſt: Governments, be they of what kind ſoever, if
" they be planted too cloſe, are like Trees, that impatient in their
" growth to have it hinder'd, eat out one another. It was not un-
" known to theſe in ſpeculation, or, if you read the ſtory of AGE-
" SILAUS, in action, that either of them with thirty thouſand men
" might have maſter'd the Eaſt; and certainly, if the one had not
" ſtood in the other's light, ALEXANDER had com too late to that
" end, which was the means (and wou'd be if they were to live a-
" gain) of ruin, at leaſt to one of them: wherfore with any man
" that underſtands the nature of Government this is excuſable. So it
" was between *Oceana* and *Marpeſia*; ſo it is between *France* and
" *Spain*, tho leſs excuſable; and ſo it ever will be in the like caſes. But
" to com to the ſecond occaſion of Scandal by them given, which was
" in the way of their propagation, it is not excuſable: for they
" brought their Confederats under bondage; by which means *Athens*
" gave occaſion of the *Peloponneſian* War, the wound of which ſhe
" dy'd ſtinking, when *Lacedemon*, taking the ſame Infection from
" her Carcaſe, ſoon follow'd.

" WHERFORE, my Lords, let theſe be warnings to you, not
" to make that Liberty which God has given you a ſnare to others in
" practiſing this kind of inlargement to your ſelves.

" THE ſecond way of Propagation or Inlargement us'd by Com-
" monwealths, is that of *Switzerland* and *Holland*, equal Leagues:
" This, tho it be not otherwiſe miſchievous, is uſeleſs to the World,

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" and dangerous to themſelves: uſeleſs to the World; for as the for-
" mer Governments were Storks, theſe are Blocks, have no ſenſe of
" Honor, or concern in the Sufferings of others. But as the *Ætolians*,
" a State of the like Fabric, were reproach'd by PHILIP of *Mace-*
" *don*, to proſtitute themſelves, by letting out their Arms to the Luſts
" of others, while they leave their own Liberty barren, and without
" legitimat iſſue; ſo I do not defame theſe People: the *Switzer* for
" Valor has no Superior, the *Hollander* for Induſtry no Equal; but
" themſelves in the mean time ſhall ſo much the leſs excuſe their Go-
" vernments, ſeeing that to the *Switz* it is well enough known that the
" Enſigns of his Commonwealth have no other *Motto* than *in te con-*
" *verte manus*: and that of the *Hollander*, tho he ſweats more Gold
" than the *Spaniard* digs, lets him languiſh in debt; for ſhe herſelf
" lives upon charity. Theſe are dangerous to themſelves, precarious
" Governments, ſuch as do not command, but beg their Bread from
" Province to Province, in Coats that being patch'd up of all colors
" are in effect of none. That their Cantons and Provinces are ſo
" many Arrows, is good; but they are ſo many Bows too, which is
" naught.

" LIKE to theſe was the Commonwealth of the antient *Tuſcans*,
" hung together like Bobbins, without a hand to weave with them:
" therfore eaſily overcom by the *Romans*, tho at that time, for number,
" a far leſs conſiderable People. If your Liberty be not a Root that
" grows, it will be a Branch that withers; which conſideration brings
" me to the Paragon, the Commonwealth of *Rome*.

" THE ways and means wherby the *Romans* acquir'd the Patro-
" nage, and in that the Empire of the World, were different, ac-
" cording to the different condition of their Commonwealth in her riſe,
" and in her growth: in her riſe ſhe proceeded rather by Colonys; in
" her growth by inequal Leagues. Colonys without the bounds of
" *Italy* ſhe planted none (ſuch diſperſion of the *Roman* Citizen as to
" plant him in foren Parts, till the contrary Intereſt of the Emperors
" brought in that practiſe, was unlawful) nor did ſhe ever demoliſh
" any City within that compaſs, or deveſt it of Liberty; but wheras
" the moſt of them were Commonwealths, ſtir'd up by emulation of
" her great felicity to war againſt her, if ſhe overcame any, ſhe con-
" fiſcated ſom part of their Lands that were the greateſt Incendiarys,
" or cauſes of the Trouble, upon which ſhe planted Colonys of her
" own People, preſerving the reſt of their Lands and Libertys for
" the Natives or Inhabitants. By this way of proceding, that I
" may be as brief as poſſible, ſhe did many and great things. For
" in confirming of Liberty, ſhe propagated her Empire; in holding
" the Inhabitants from Rebellion, ſhe put a curb upon the Incurſion of
" Enemys; in exonerating her ſelf of the poorer ſort, ſhe multiply'd
" her Citizens; in rewarding her Veterans, ſhe render'd the reſt leſs
" ſeditious; and in acquiring to her ſelf the reverence of a common
" Parent, ſhe from time to time became the Mother of newborn
" Citys.

" IN her farther growth the way of her Propagation went
" more upon Leagues, which for the firſt diviſion were of two kinds,
" Social and Provincial.

" AGAIN, Social Leagues, or Leagues of Society, were of two
" kinds.

" THE

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" THE firſt call'd *Latinity* or *Latin*, the ſecond *Italian Right*.

" THE League between the *Romans* and the *Latins*, or Latin " Right, approach'd neareſt to *Jus Quiritium*, or the Right of a na- " tive *Roman*. The Man or the City that was honor'd with this " Right, was *Civitate donatus cum ſuffragio*, adopted a Citizen of *Rome*, " with the Right of giving Suffrage with the People in ſom caſes, as " thoſe of Confirmation of Law, or Determination in Judicature, if " both the Conſuls were agreed, not otherwiſe; wherfore that com- " ing to little, the greateſt and moſt peculiar part of this Privilege " was, that who had born Magiſtracy (at leaſt that of *Ædil* or *Quæ-* " *ſtor*) in any Latin City, was by conſequence of the ſame, a Citizen " of *Rome* at all points.

" ITALIAN *Right* was alſo a donation of the City, but with- " out Suffrage: they who were in either of theſe Leagues, were go- " vern'd by their own Laws and Magiſtrats, having all the Rights, as " to Liberty, of Citizens of *Rome*, yielding and paying to the Com- " monwealth as head of the League, and having in the conduct of all " Affairs appertaining to the common Cauſe, ſuch aid of Men and " Mony as was particularly agreed to upon the merit of the Cauſe, and " ſpecify'd in their reſpective Leagues, whence ſuch Leagues came to " be call'd equal or inequal accordingly.

" PROVINCIAL *Leagues* were of different extenſion, accord- " ing to the Merit and Capacity of a conquer'd People; but they were " all of one kind: for every Province was govern'd by *Roman* Ma- " giſtrats, as a Prætor or a Proconſul, according to the dignity of the " Province, for the Civil Adminiſtration and Conduct of the Provin- " cial Army; and a Quæſtor for the gathering of the Public Revenue, " from which Magiſtrats a Province might appeal to *Rome*.

" FOR the better underſtanding of theſe Particulars, I ſhall exem- " plify in as many of them as is needful: and firſt in *Macedon*.

" THE *Macedonians* were thrice conquer'd by the *Romans*, firſt un- " der the Conduct of TITUS QUINTUS FLAMINIUS; ſecond- " ly, under that of LUCIUS ÆMILIUS PAULUS; and, thirdly, " under that of QUINTUS CÆCILIUS METELLUS, thence call'd " MACEDONICUS.

" FOR the firſt time PHILIP of *Macedon*, who (poſſeſt of *Acro-* " *corinthus*) boaſted no leſs than was true, that he had *Greece* in fetters, " being overcom by FLAMINIUS, had his Kingdom reſtor'd to him, " upon condition that he ſhould immediatly ſet all the Citys which he " held in *Greece* and in *Aſia* at liberty; and that he ſhould not make " war out of *Macedon*, but by leave of the Senat of *Rome*; which " PHILIP (having no other way to ſave any thing) agreed ſhould be " don accordingly.

" THE *Grecians* being at this time aſſembl'd at the *Iſthmian* Games, " where the Concourſe was mighty great, a Crier, appointed to the " office by FLAMINIUS, was heard among them proclaiming all " *Greece* to be free; to which the People being amaz'd at ſo hopeleſs a " thing, gave little credit, till they receiv'd ſuch teſtimony of the " truth as put it paſt all doubt, wherupon they fell immediatly on run- " ning to the Proconſul with Flowers and Garlands, and ſuch violent " expreſſions of their Admiration and Joy, as, if FLAMINIUS, a " young man, about thirty three, had not alſo bin very ſtrong, he " muſt have dy'd of no other death than their kindneſs, while every

" one

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" one ſtriving to touch his hand, they bore him up and down the field " with an unruly throng, full of ſuch Ejaculations as theſe : How ! " Is there a People in the world, that at their own charge, at their own " peril, will fight for the Liberty of another ? Did they live at the " next door to this fire ? Or what kind of men are theſe, whoſe buſi- " neſs it is to paſs the Seas, that the World may be govern'd with " Righteouſneſs ? The Citys of *Greece* and of *Aſia* ſhake off their Iron " Fetters at the voice of a Cryer ! Was it madneſs to imagin ſuch a " thing, and is it don ? O Virtue ! O Felicity ! O Fame !

" IN this example your Lordſhips have a donation of Liberty, or " of *Italian* Right to a People, by reſtitution to what they had for- " merly injoy'd ; and ſom particular Men, Familys or Citys, accor- " ding to their merit of the *Romans*, if not upon this, yet upon the like " occaſions, were gratify'd with Latinity.

" BUT PHILIP's ſhare by this means did not pleaſe him, wher- " fore the League was broken by his Son PERSEUS ; and the *Mace-* " *donians* therupon for the ſecond time conquer'd by ÆMILIUS " PAULUS, their King taken, and they ſom time after the Victory " ſummon'd to the Tribunal of the General ; where remembring how " little hope they ought to have of Pardon, they expected ſom dread- " ful Sentence : When ÆMILIUS in the firſt place declar'd the *Ma-* " *cedonians* to be free, in the full poſſeſſion of their Lands, Goods, and " Laws, with right to elect annual Magiſtrats, yielding and paying " to the People of *Rome* one half of the Tribute which they were " accuſtom'd to pay to their own Kings. This don he went on, " making ſo ſkilful a diviſion of the Country in order to the metho- " dizing of the People, and caſting them into the form of popular Go- " vernment, that the *Macedonians*, being firſt ſurpriz'd with the Vir- " tue of the *Romans*, began now to alter the ſcene of their Admira- " tion, that a Stranger ſhould do ſuch things for them in their own " Country, and with ſuch facility, as they had never ſo much as once " imagin'd to be poſſible. Nor was this all, for ÆMILIUS, as if not " dictating to conquer'd Enemys, but to ſom well-deſerving Friends, " gave them in the laſt place Laws ſo ſuitable, and contriv'd with ſuch " care and prudence, that long uſe and experience (the only Correctreſs " of works of this nature) could never find a fault in them.

" IN this example you have a Donation of Liberty, or of *Italian* " Right, to a People that had not taſted of it before, but were now " taught how to uſe it.

" MY LORDS, the Royaliſts ſhould compare what we are do- " ing, and we what hitherto we have don for them, with this example. " It is a ſhame that while we are boaſting up our ſelves above all o- " thers, we ſhould yet be ſo far from imitating ſuch examples as theſe, " that we do not ſo much as underſtand that if Government be the Pa- " rent of Manners, where there are no Heroic Virtues, there is no He- " roic Government.

" BUT the *Macedonians* rebelling, at the name of a falſe PHILIP, " the third time againſt the *Romans* were by them judg'd incapable of " Liberty, and reduc'd by METELLUS to a Province.

" NOW wheras it remains, that I explain the nature of a Province, " I ſhall rather chuſe that of *Sicily*, becauſe having bin the firſt which " the *Romans* made, the deſcriptions of the reſt relate to it.

" *WE*

" *WE have ſo receiv'd the* Sicilian *Citys into Amity*, ſays CICERO, " *that they injoy their antient Laws; and upon no other condition than of* " *the ſame obedience to the People of* Rome, *which they formerly yielded* " *to their own Princes or Superiors.* So the *Sicilians*, wheras they had " bin parcel'd out to divers Princes, and into divers States (the cauſe " of perpetual Wars, wherby, hewing one another down, they be- " came Sacrifices to the Ambition of their Neighbors, or of ſom In- " vader) were now receiv'd at the old rate into a new Protection " which could hold them, and in which no Enemy durſt touch them; " nor was it poſſible, as the caſe then ſtood, for the *Sicilians* to receive, " or for the *Romans* to give more.

" A ROMAN *Province* is defin'd by SIGONIUS, *a Region ha-* " *ving Provincial Right.* Provincial Right in general was to be go- " vern'd by a *Roman Prætor*, or *Conſul*, in matters at leaſt of State, " and of the *Militia:* and by a *Quæſtor*, whoſe Office it was to re- " ceive the Public Revenue. Provincial Right in particular was dif- " ferent, according to the different Leagues or Agreements between " the Commonwealth, and the People reduc'd into a Province. *Si-* " *culi hoc jure ſunt, ut quod civis cum cive agat, domi certet ſuis legi-* " *bus; quod Siculus cum Siculo non ejuſdem Civitatis, ut de eo Prætor* " *Judices, ex P. Rupilii Decreto, ſortiatur. Quod privatus a Populo* " *petit, aut populus a privato, Senatus ex aliqua Civitate, qui judicet,* " *datur, cui alternæ Civitates rejectæ ſunt. Quod civis Romanus a Si-* " *culo petit, Siculus Judex datur; quod Siculus a cive Romano, civis* " *Romanus datur. Cæterarum rerum ſelecti Judices ex civium Roma-* " *norum conventu proponi ſolent. Inter aratores & decumanos lege fru-* " *mentaria, quam Hieronicam appellant, judicia fiunt.* Becauſe the reſt " would oblige me to a diſcourſe too large for this place, it ſhall ſuf- " fice that I have ſhew'd you how it was in *Sicily*.

" MY LORDS, Upon the Fabric of your Provincial Orb I ſhall " not hold you; becauſe it is ſufficiently deſcrib'd in the Order, and I " cannot believe that you think it inferior to the way of a *Prætor* and " a *Quæſtor*. But wheras the Provincial way of the *Roman* Common- " wealth was that wherby it held the Empire of the World, and your " Orbs are intended to be capable at leaſt of the like uſe; there may " ariſe many Controverſys: As whether ſuch a Courſe be lawful; whe- " ther it be feizible; and, ſeeing that the *Romans* were ruin'd upon " that point, whether it would not be to the deſtruction of the Com- " monwealth.

" FOR the firſt, If the Empire of a Commonwealth be an occa- " ſion to aſk whether it be lawful for a Commonwealth to aſpire to " the Empire of the World, it is to aſk whether it be lawful for it to " do its duty, or to put the World into a better Condition than it was " before.

" AND to aſk whether this be feizible, is to aſk why the *Oceaner*, " being under the like Adminiſtration of Government, may not do as " much with two hundred men as the *Roman* did with one hundred; " for comparing their Commonwealths in their riſe, the difference is " yet greater: Now that *Rome (ſeris Avaritia Luxuriaque)* thro the na- " tural thirſt of her conſtitution, came at length with the fulneſs of her " Provinces to burſt herſelf, this is no otherwiſe to be underſtood, than " as when a man that from his own evil Conſtitution had contracted " the Dropſy, dys with drinking: It being apparent that in caſe her

" Agrarian

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" Agrarian had held, ſhe could never have bin thus ruin'd: and I have " already demonſtrated that your Agrarian being once pois'd, can ne- " ver break or ſwerve.

" WHERFORE to draw towards ſome concluſion of this Diſ- " courſe, let me inculcat the uſe, by ſelecting a few Conſiderations " out of many. The regard had in this place to the Empire of the " World appertains to a well-order'd Commonwealth, more eſpe- " cially for two reaſons.

" 1. THE facility of this great Enterprize, by a Government of the " Model propos'd.

" 2. THE danger that you would run in the omiſſion of ſuch a " Government.

" THE facility of this Enterprize, upon the grounds already laid, " muſt needs be great, foraſmuch as the Empire of the World has bin, " both in Reaſon and Experience, the neceſſary conſequence of a Com- " monwealth of this nature only: for tho it has bin given to all kinds " to drive at it, ſince that of *Athens* or *Lacedemon*, if the one had not " hung in the other's light might have gain'd it; yet could neither of " them have held it: not *Athens*, thro the manner of her propaga- " tion, which, being by downright Tyranny, could not preſerve what " ſhe had; nor *Lacedemon*, becauſe ſhe was overthrown by the weight " of a leſs Conqueſt. The facility then of this great Enterprize be- " ing peculiar to popular Government, I ſhall conſider it, firſt, In " gaining; and ſecondly, In holding.

" FOR the former, *Volenti non fit injuria*; it is ſaid of the Peo- " ple under EUMENES, that they would not have chang'd their " ſubjection for Liberty; wherfore the *Romans* gave them no diſtur- " bance. If a People be contented with their Government, it is a " certain ſign that it is good, and much good do them with it. The " Sword of your Magiſtracy is for a terror to them that do evil. " EUMENES had the fear of God, or of the *Romans* before his eys; " concerning ſuch he has given you no Commiſſion.

" BUT till we can ſay here are the *Romans*, where is EUMENES? " Do not think that the late *appearances of God* to you have bin alto- " gether for your ſelves; *he has ſurely ſeen the Affliction* of your Bre- " thren, *and heard their cry by reaſon of their Taſkmaſters*. For to be- " lieve otherwiſe, is not only to be mindleſs of his ways, but altoge- " ther deaf. If you have ears to hear, this is the way in which you " will certainly be call'd upon: For if, while there is no ſtock of Li- " berty, no ſanctuary of the afflicted, it be a common object to be- " hold a People caſting themſelves out of the Pan of one Prince into " the Fire of another; what can you think, but if the World ſhould " ſee the *Roman* Eagle again, ſhe would renew her age, and her flight? " Nor did ever ſhe ſpread her Wings with better Omen, than will be " read in your Enſigns; which if, call'd in by an oppreſs'd People, " they interpoſe between them and their Yoke, the People them- " ſelves muſt either do nothing in the mean time, or have no more " pains to take for their wiſh'd Fruit than to gather it, if that be not " likewiſe don for them. Wherfore this muſt needs be eaſy, and yet " you have a greater facility than is in the arm of fleſh; for if the " Cauſe of Mankind be the Cauſe of God, the Lord of Hoſts will be " your Captain, and you ſhall be a Praiſe to the whole Earth.

" THE

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" THE facility of Holding is in the way of your Propagation; if " you take that of *Athens* and *Lacedemon*, you ſhall rain Snares; but " either catch, or hold nothing. Lying lips are an abomination to the " Lord: if ſetting up for Liberty, you impoſe Yokes, he will infallibly " deſtroy you. On the other ſide, to go about a work of this nature " by a League without a Head, is to abdicat that Magiſtracy, wher- " with he has not only indu'd you, but wherof he will require an " account of you; for, *curſed is he that dos the work of the Lord neg-* " *ligently*. Wherfore you are to take the courſe of *Rome*: if you have " ſubdu'd a Nation that is capable of Liberty, you ſhall make them a " preſent of it, as did FLAMINIUS to *Greece*, and ÆMILIUS " to *Macedon*, reſerving to your ſelves ſome part of that Revenue " which was legally paid to the former Government, together with " the right of being Head of the League, which includes ſuch Levys of " Men and Mony as ſhall be neceſſary for the carrying on of the Pub- " lic Work. For if a People have by your means attain'd to freedom, " they ow both to the Cauſe and you, ſuch Aid as may propagat the " like Fruit to the reſt of the World. But wheras every Nation is " not capable of her Liberty to this degree, leſt you be put to doing " and undoing of things, as the *Romans* were in *Macedon*, you ſhall " diligently obſerve what Nation is fit for her Liberty to this degree, " and what not: Which is to be don by two Marks, the firſt if ſhe be " willing to *help the Lord againſt the Mighty*; for if ſhe has no care of " the Liberty of Mankind, ſhe deſerves not her own. But becauſe " in this you may be deceiv'd by Pretences, which, continuing for a " while ſpecious, may afterwards vaniſh; the other is more certain, " and that is if ſhe be capable of an equal Agrarian; which that it " was not obſerv'd by excellent ÆMILIUS in his donation of Li- " berty, and introduction of a Popular State among the *Macedonians*, " I am more than mov'd to believe for two reaſons: the firſt, becauſe " at the ſame time the Agrarian was odious to the Roman *Patricians*; " the ſecond, that the PSEUDO-PHILIP could afterwards ſo eaſily " recover *Macedon*, which could not have happen'd but by the Nobi- " lity, and their impatience, having great Eſtates, to be equal'd with " the People; for that the People ſhould otherwiſe, at the mere ſound " of a Name, have thrown away their Liberty, is incredible. Wher- " fore be aſſur'd, that the Nation where you cannot eſtabliſh an equal " Agrarian, is incapable of its Liberty as to this kind of Donation. " For example, except the Ariſtocracy in *Marpeſia* be diſſolv'd, nei- " ther can that People have their Liberty there, nor you govern at " home; for they continuing ſtill liable to be ſold by their Lords to fo- " ren Princes, there will never (eſpecially in a Country of which there " is no other profit to be made) be want of ſuch Merchants and Dro- " vers, while you muſt be the Market where they are to receive their " ſecond Payment.

" NOR can the Ariſtocracy there be diſſolv'd but by your means, " in relation wherto you are provided with your Provincial Orb; " which being proportion'd to the meaſure of the Nation that you " have vindicated or conquer'd, will eaſily hold it: for there is not a " People in the World more difficult to be held than the *Marpeſians*, " which tho by themſelves it be aſcrib'd to their own nature, is truly " to be attributed to that of their Country. Nevertheleſs you hav- " ing nine thouſand men upon the continual guard of it, that, threa-

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" ten'd by any ſudden inſurrection, have places of retreat; and an " Army of forty thouſand men upon a day's warning ready to march " to their reſcue; it is not to be rationally ſhewn which way they can " poſſibly ſlip out of your hands. And if a man ſhould think that up- " on a Province more remote and divided by the Sea, you have not " the like hold, he has not ſo well conſider'd your Wings as your " Talons, your ſhipping being of ſuch a nature, as makes the deſcent " of your Armys almoſt of equal facility in any Country: ſo that " what you take you hold, both becauſe your Militia, being already " populous, will be of great growth in it ſelf; and alſo thro your " Confederats, by whom in taking and holding you are ſtill more in- " abled to do both.

" NOR ſhall you eaſilier hold, than the People under your Em- " pire or Patronage may be held. My Lords, I would not go to the " door to ſee whether it be cloſe ſhut; this is no underhand dealing, " nor a game at which he ſhall have any advantage againſt you who " ſees your Cards, but on the contrary the Advantage ſhall be your " own: for with eighteen thouſand men (which number I put, be- " cauſe it circulats your Orb by the annual change of ſix thouſand) " having eſtabliſh'd your matters in the order ſhewn, you will be able " to hold the greateſt Province; and eighteen thouſand men, allow- " ing them greater pay than any Prince ever gave, will not ſtand " the Province in one million Revenue; * in conſideration wherof, " they ſhall have their own Eſtates free to themſelves, and be govern'd " by their own Laws and Magiſtrats; which, if the Revenue of the " Province be in dry Rent (as there may be ſom that are four times " as big as *Oceana*) forty millions, will bring it with that of Indu- " ſtry to ſpeak with the leaſt, to twice the value: So that the Peo- " ple there, who at this day are ſo oppreſt that they have nothing at " all wheron to live, ſhall for one Million paid to you, receive at " leaſt ſeventy nine to their proper uſe: in which place I appeal to any " man, whether the Empire deſcrib'd can be other than the Patronage " of the World.

**This by the pay of a Parlamentary Army, is demonſtrated in the Corollary.*

" NOW if you add to the propagation of Civil Liberty (ſo na- " tural to this Commonwealth that it cannot be omitted) the propa- " gation of the Liberty of Conſcience, this Empire, this Patronage of " the World is the Kingdom of Chriſt: For as the Kingdom of God " the Father was a Commonwealth, ſo ſhall the Kingdom of God " the Son; *The People ſhall be willing in the day of his power.*

Pſal. 110. 3.

" HAVING ſhew'd you in this and other places, ſom of thoſe " ineſtimable Benefits of this kind of Government, together with the " natural and facil Emanation of them from their Fountain, I com " (leſt God, who has appear'd to you, for he is the God of Nature, " in the glorious Conſtellation of theſe ſubordinat Cauſes, wherof we " have hitherto bin taking the true Elevation, ſhould ſhake off the " duſt of his Feet againſt you) to warn you of the Dangers which " you, not taking the opportunity, will incur by omiſſion.

" *MACHIAVEL* ſpeaking of the defect of *Venice*, thro her " want of proper Arms, crys out, † *This cut her Wings, and ſpoil'd her* " *mount to Heaven.* If you lay your Commonwealth upon any other

† Queſto taglioli le gambe da montar in cielo.

" Foundation

" Foundation than the People, you fruſtrat your ſelf of proper Arms, " and ſo loſe the Empire of the World ; nor is this all, but ſom other " Nation will have it.

" *COLUMBUS* offer'd Gold to one of your Kings, thro whoſe " happy incredulity another Prince has drunk the Poiſon, even to the " conſumtion of his People ; but I do not offer you a Nerve of War " that is made of Purſeſtrings, ſuch a one as has drawn the face of the " Earth into Convulſions, but ſuch as is natural to her Health and " Beauty. Look you to it, where there is tumbling and toſſing upon " the bed of ſickneſs, it muſt end in death or recovery. Tho the " People of the World, in the dregs of the *Gothic* Empire, be yet " tumbling and toſſing upon the bed of ſickneſs, they cannot dy ; " nor is there any means of recovery for them but by antient pru- " dence, whence of neceſſity it muſt com to paſs, that this Drug be " better known. If *France*, *Italy*, and *Spain*, were not all ſick, all " corrupted together, there would be none of them ſo ; for the ſick " would not be able to withſtand the ſound, nor the ſound to preſerve " their health without curing of the ſick. The firſt of theſe Nations " (which, if you ſtay her leiſure, will in my mind be *France*) that " recovers the health of antient Prudence, ſhall certainly govern the " World ; for what did *Italy* when ſhe had it ? And as you were in " that, ſo ſhall you in the like caſe be reduced to a Province ; I do not " ſpeak at random. *Italy*, in the Conſulſhip of LUCIUS ÆMI- " LIUS PAPUS, and CAIUS ATILIUS REGULUS, arm'd upon the " *Gallic* Tumult that then happen'd of her ſelf, and without the Aid " of foren Auxiliarys, ſeventy thouſand Horſe, and ſeven hundred " thouſand Foot : But as *Italy* is the leaſt of thoſe three Countrys in " extent, ſo is *France* now the moſt populous.

I, decus, I, noſtrum, melioribus utere fatis.

" *MY dear Lords*, Oceana *is as the Roſe of* Sharon, *and the Lilly of* " *the Vally. As the Lilly among Thorns, ſuch is my Love among the* " *Daughters. She is comly as the Tents of* Kedar, *and terrible as an* " *Army with Banners. Her Neck is as the tower of* David, *builded for* " *an Armory, whereon there hang a thouſand Bucklers and Shields of migh-* " *ty Men. Let me hear thy Voice in the morning, whom my Soul loves.* " *The South has drop'd, and the Weſt is breathing upon thy Garden of* " *Spices. Ariſe, Queen of the Earth, Ariſe, holy Spouſe of Jeſus ; for* " *lo the Winter is paſt, the Rain is over and gon ; the Flowers appear* " *on the Earth, the time for the ſinging of Birds is com, and the Voice of* " *the Turtle is heard in our Land. Ariſe, I ſay, com forth, and do not* " *tarry : Ah ! wherfore ſhould my eys behold thee by the Rivers of* Ba- " bylon, *hanging thy Harps upon the Willows, thou faireſt among Wo-* " *men ?*

" EXCELLENT PATRIOTS ; If the People be Soverain, " here is that which eſtabliſhes their Prerogative : If we be ſincere, " here is that which diſburdens our Souls, and makes good all our In- " gagements : If we be charitable, here is that which imbraces all " Partys : If we would be ſettl'd, here is that which will ſtand, and " laſt for ever.

" IF our Religion be any thing elſe but a vain boaſt, ſcratching and " defacing human Nature or Reaſon, which, being the Image of

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" God, makes it a kind of Murder; here is that Empire whence *Juſtice*
Amos; . " *ſhall run down like a River, and Judgment like a mighty Stream.* Who
" is it then that calls us? or what is in our way? a Lion! is it not *the*
" *Dragon that old Serpent?* for what wretched ſhifts are theſe? Here
" is a great deal, might we not have ſom of this at one time, and ſom
" at another?

" MY LORDS, permit me to give you the Sum, or brief

Epitome of the whole Commonwealth.

THE Center or Fundamental Laws are, firſt, the Agrarian, proportion'd at two thouſand Pounds a Year in Land, lying and being within the proper Territory of Oceana, *and ſtating Property in Land at ſuch a balance, that the Power can never ſwerve out of the hands of the Many.*

SECONDLY, The Ballot conveying this equal Sap from the Root, by an equal Election or Rotation, into the Branches of Magiſtracy or Soverain Power.

THE Orbs of this Commonwealth being Civil, Military or Provincial, are, as it were, caſt upon this Mold or Center by the Diviſions of the People; Firſt into Citizens and Servants: Secondly, into Youth and Elders: Thirdly, into ſuch as have one hundred Pounds a year in Lands, Goods or Monys, who are of the Horſe; and ſuch as have under, who are of the Foot: Fourthly, they are divided by their uſual reſidence, into Pariſhes, Hundreds, and Tribes.

THE Civil Orbs conſiſt of the Elders, and are thus created; every Monday next inſuing the laſt of December, *the Elders in every Pariſh elect the fifth man to be a Deputy; which is but half a day's work: every Monday next inſuing the laſt of* January, *the Deputys meet at their reſpective Hundred, and elect out of their number one Juſtice of the Peace, one Juryman, one Coroner, and one High Conſtable of the Foot; one day's work.*

EVERY Monday next inſuing the laſt of February, *the Hundreds meet at their reſpective Tribe, and there elect the Lords High Sherif, Lieutenant,* Cuſtos Rotulorum, *the Conductor, the two Cenſors out of the Horſe, the Magiſtrats of the Tribe and of the Hundreds, with the Jurymen conſtituting the Phylarch, and who aſſiſt in their reſpective Offices at the Aſſizes, hold the Quarter-Seſſions,* &c. *The day following the Tribe elects the annual Galaxy, conſiſting of two Knights, and three Deputys out of the Horſe, with four Deputys out of the Foot, therby indu'd with Power, as Magiſtrats of the whole Nation, for the term of three years. An Officer choſen at the Hundred may not be elected a Magiſtrat of the Tribe; but a Magiſtrat or Officer either of the Hundred or of the Tribe, being elected into the Galaxy, may ſubſtitute any one of his own Order to his Magiſtracy or Office in the Hundred, or in the Tribe. This of the Muſter is two days work. So the body of the People is annually, at the charge of three days work and a half, in their own Tribes, for the perpetuation of their Power, receiving over and above the Magiſtracys ſo divided among them.*

EVERY Monday next inſuing the laſt of March, *the Knights, being a Hundred in all the Tribes, take their places in the Senat; the Knights, having*

having taken their places in the Senat, make the third Region of the same; and the House procedes to the Senatorian Elections. Senatorian Elections are annual, biennial, or emergent.

THE annual are perform'd by the Tropic.

THE Tropic is a Schedule consisting of two parts; the first by which the Senatorian Magistrats are elected; and the second, by which the Senatorian Councils are perpetuated.

THE first part is of this Tenor.

THE Lord Strategus,
THE Lord Orator,
THE first Censor,
THE second Censor,
} *Annual Magistrats, and therefore such as may be elected out of any Region; the term of every Region having at the Tropic one year at the least unexpir'd*

THE third Commissioner of the Seal,
THE third Commissioner of the Treasury,
} *Triennial Magistrats, and therefore such as can be chosen out of the third Region only, as that alone which has the term of three years unexpir'd.*

THE Strategus and the Orator sitting, are Consuls, or Presidents of the Senat.

THE Srategus marching is General of the Army, in which case a new Strategus is to be elected in his room.

THE Strategus sitting with six Commissioners, being Counsillors of the Nation, are the Signory of the Commonwealth.

THE Censors are Magistrats of the Ballot, Presidents of the Council for Religion, and Chancellors of the Universitys.

THE second part of the Tropic perpetuats the Council of State, by the election of five Knights out of the first Region of the Senat, to be the first Region of that Council consisting of fifteen Knights, five in every Region.

THE like is don by the election of four into the Council of Religion, and four into the Council of Trade, out of the same Region in the Senat; each of these Councils consisting of twelve Knights, four in every Region.

But the Council of War consisting of nine Knights, three in every Region, is elected by and out of the Council of State, as the other Councils are elected by and out of the Senat. And if the Senat add a Juncta of nine Knights more, elected out of their own number, for the term of three months, the Council of War by virtue of that addition, is Dictator of Oceana *for the said term.*

THE Signory jointly or severally has right of Session and Suffrage in every Senatorial Council, and to propose either to the Senat, or any of them. And every Region in a Council electing one weekly Provost, any two of those Provosts have Power also to propose to their respective Council, as the proper and peculiar Proposers of the same: for which cause they hold an Academy, where any man either by word of mouth, or writing, may propose to the Proposers.

NEXT to the Elections of the Tropic is the biennial Election of one Embassador in ordinary, by the Ballot of the House, to the Residence of France; *at which time the Resident of* France *removes to* Spain, *he of* Spain *to* Venice, *he of* Venice *to* Constantinople, *and he of* Constantinople *returns. So the Orb of the Residents is wheel'd about in eight years, by the biennial Election of one Embassador in Ordinary.*

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THE laſt kind of Election is emergent. Emergent Elections are made by the Scrutiny. Election by Scrutiny is when a Competitor being made by a Council, and brought into the Senat, the Senat chuſes four more Competitors to him; and putting all five to the Ballot, he who has moſt above half the Suffrages, is the Magiſtrat. The Polemarchs or Field Officers are choſen by the Scrutiny of the Council of War; an Embaſſador Extraordinary by the Scrutiny of the Council of State; the Judges and Serjeants at Law by the Scrutiny of the Seal; and the Barons and prime Officers of the Exchequer, by the Scrutiny of the Treaſury.

THE Opinion or Opinions that are legitimatly propos'd to any Council muſt be debated by the ſame, and ſo many as are reſolv'd upon the Debate are introduc'd into the Senat, where they are debated and reſolved, or rejected by the whole Houſe: that which is reſolv'd by the Senat is a Decree which is good in matters of State, but no Law, except it be propos'd to and reſolv'd by the Prerogative.

THE Deputys of the Galaxy being three Horſe and four Foot in a Tribe, amount in all the Tribes to one hundred and fifty Horſe, and two hundred Foot; which, having enter'd the Prerogative, and choſen their Captains, Cornet and Enſign (triennial Officers) make the third Claſſis, conſiſting of one Troop, and one Company; and ſo joining with the whole Prerogative, elect four annual Magiſtrats, call'd Tribuns, wherof two are of the Horſe, and two of the Foot. Theſe have the command of the Prerogative Seſſions, and Suffrage in the Council of War, and Seſſions without Suffrage in the Senat.

THE Senat having paſt a Decree which they would propoſe to the People, cauſe it to be printed and publiſh'd, or promulgated for the ſpace of ſix weeks; which being order'd, they chuſe their Propoſers. The Propoſers muſt be Magiſtrats, that is, the Commiſſioners of the Seal, thoſe of the Treaſury, or the Cenſors. Theſe being choſen, deſire the Muſter of the Tribuns, and appoint the day. The People being aſſembl'd at the day appointed, and the Decree propos'd, that which is propos'd by authority of the Senat, and commanded by the People, is the Law of Oceana, or an Act of Parlament.

SO the Parlament of Oceana conſiſts of the Senat propoſing, and the People reſolving.

THE People or Prerogative are alſo the Supreme Judicatory of this Nation, having Power of hearing and determining all Cauſes of Appeal from all Magiſtrats, or Courts Provincial, or Domeſtic; as alſo to queſtion any Magiſtrat, the term of his Magiſtracy being expir'd, if the caſe be introduc'd by the Tribuns, or any one of them.

THE Military Orbs conſiſt of the Youth, that is, ſuch as are from eighteen to thirty years of age; and are created in the following manner.

EVERY Wedneſday next enſuing the laſt of December, the Youth of every Pariſh aſſembling, elect the fifth of their number to be their Deputys; the Deputys of the Youth are call'd Stratiots, and this is the firſt Eſſay.

EVERY Wedneſday next inſuing the laſt of January the Stratiots aſſembling at the Hundred, elect their Captain and their Enſign, and fall to their Games and Sports.

EVERY Wedneſday next inſuing the laſt of February, the Stratiots are receiv'd by the Lord Lieutenant their Commander in Chief, with the Conductors and the Cenſors; and having bin diſciplin'd and entertain'd with other Games, are call'd to the Urns, where they elect the ſecond Eſſay, conſiſting of two hundred Horſe and ſix hundred Foot in a Tribe; that is, of

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ten thouſand Horſe, and thirty thouſand Foot in all the Tribes, which is the Standing Army of this Nation, to march at any warning. They alſo elect at the ſame time a part of the third Eſſay, by the mixture of Balls mark'd with the letter M, *and the letter* P; *for* Marpeſia *and* Panopea; *they of either mark being ten Horſe and fifty Foot in a Tribe, that is, five hundred Horſe and two thouſand five hundred Foot in all the Tribes, which are forthwith to march to their reſpective Provinces.*

BUT the third Eſſay of this Nation more properly ſo call'd, is when the Strategus with the Polemarchs (the Senat and the People, or the Dictator having decreed a War) receive in return of his Warrants the ſecond Eſſay from the hands of the Conductors at the Rendevous of Oceana; *which Army marching with all Accommodations provided by the Council of War, the Senat elects a new Strategus, and the Lords Lieutenants a new ſecond Eſſay.*

A YOUTH, except he be an only Son, refuſing any one of his three Eſſays, without ſufficient cauſe ſhewn to the Phylarch or the Cenſors, is incapable of Magiſtracy, and is fin'd a fifth part of his yearly Rent, or of his Eſtate, for Protection. In caſe of Invaſion the Elders are oblig'd to like duty with the Youth, and upon their own charge.

THE Provincial Orb conſiſting in part of the Elders, and in part of the Youth, is thus created.

FOUR Knights out of the firſt Region falling, are elected in the Senat to be the firſt Region of the Provincial Orb of Marpeſia; *theſe being triennial Magiſtrats, take their places in the Provincial Council, conſiſting of twelve Knights, four in every Region, each Region chuſing their weekly Provoſts of the Council thus conſtituted. One Knight more choſen out of the ſame Region in the Senat, being an annual Magiſtrat, is Preſident, with Power to propoſe; and the Opinions propos'd by the Preſident, or any two of the Provoſts, are debated by the Council, and, if there be occaſion of farther Power or Inſtruction than they yet have, tranſmitted to the Council of State, with which the Provincial is to hold Intelligence.*

THE Preſident of this Council is alſo Strategus, or General of the Provincial Army; wherfore the Conductors upon notice of his Election, and appointment of his Rendevous, deliver to him the Stratiots of his Letter, which he takes with him into his Province: and the Provincial Army having receiv'd the new Strategus with the third Claſſis, the Council diſmiſſes the old Strategus with the firſt Claſſis. The like is don for Panopea, *or any other Province.*

BUT wheras the term of every other Magiſtracy or Election in this Commonwealth, whether annual or triennial, requires an equal Vacation, the term of a Provincial Counſillor or Magiſtrat requires no Vacation at all. The Quorum *of a Provincial, as alſo that of every other Council and Aſſembly, requires two thirds in a time of health, and one third in a time of ſickneſs.*

" I THINK I have omitted nothing but the Props and Scaffolds,
" which are not of uſe but in building. And how much is here?
" Shew me another Commonwealth in this compaſs? How many
" things? Shew me another intire Government conſiſting but of thirty
" Orders. If you now go to Law with any body, there ly to ſom
" of our Courts two hundred Original Writs: If you ſtir your hand,
" there go more Nerves and Bones to that motion: If you play, you
" have more Cards in the pack; nay you could not ſit with your
" eaſe

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" eaſe in that Chair, if it conſiſted not of more parts. Will you not " then allow to your Legiſlator, what you can afford your Upholſter; " or to the Throne, what is neceſſary to a Chair?

" MY LORDS, If you will have fewer Orders in a Common- " wealth, you will have more; for where ſhe is not perfect at firſt, " every day, every hour will produce a new Order, the end wherof is " to have no Order at all, but to grind with the clack of ſom Dema- " gog. Is he providing already for his golden Thum? Lift up your " heads; away with Ambition, that fulſom complexion of a Stateſ- " man, temper'd, like SYLLA's, with blood and muck. *And the* " *Lord give to his Senators Wiſdom; and make our faces to ſhine, that* " *we may be a Light to them that ſit in darkneſs and the ſhadow of death,* " *to guide their feet in the way of Peace.*——In the name of God, " what's the matter!——

PHILADELPHUS the Secretary of the Council having perform'd his taſk in reading the ſeveral Orders as you have ſeen, upon the receipt of a Packet from his Correſpondent BOCCALINI, Secretary of *Parnaſſus*, in reading one of the Letters, burſt forth into ſuch a violent paſſion of weeping and downright howling, that the Legiſlators being ſtartled with the apprehenſion of ſom horrid news; one of them had no ſooner ſnatch'd the Letter out of his hand, than the reſt crying, Read, Read, he obey'd in this manner.

Trajano Boccalini, Centuria 1. Raggual. 21.

THE 3d *inſtant his* Phœbean *Majeſty having taken the nature of Free States into his Royal conſideration, and being ſteadily perſwaded that the Laws in ſuch Governments are incomparably better and more ſurely directed to the good of Mankind than in any other; that the Courage of ſuch a People is the apteſt tinder to noble fire; that the Genius of ſuch a Soil is that wherin the roots of good Literature are leaſt worm-eaten with Pedantiſm, and where their Fruits have ever com to the greateſt maturity and higheſt reliſh; conceiv'd ſuch a loathing of their Ambition and Tyranny, who, uſurping the liberty of their native Countrys, becom ſlaves to themſelves, inaſmuch as (be it never ſo contrary to their own Nature or Conſciences) they have taken the earneſt of Sin, and are ingag'd to perſecute all Men that are good with the ſame or greater rigor than is ordain'd by Laws for the wicked: For* * none ever adminiſter'd that Power by good, which he purchas'd by ill Arts: PHOEBUS, *I ſay, having conſider'd this, aſſembl'd all the Senators reſiding in the learned Court at the Theater of* MELPOMENE, *where he caus'd* CÆSAR *the Dictator to com upon the ſtage, and his Siſter* ACTIA, *his Nephew* AUGUSTUS, JULIA *his Daughter, with the Children which ſhe had by* MARCUS AGRIPPA, LUCIUS *and* CAIUS CÆSARS, AGRIPPA POSTHUMUS, JULIA, *and* AGRIPPINA, *with the numerous Progeny which ſhe bore to her renown'd Huſband* GERMANICUS, *to enter. A miſerable Scene in any, but moſt deplorable in the eys of* CÆSAR, *thus beholding what havock his prodigious Ambition, not ſatisfy'd with his own bloody Ghoſt, had made upon his more innocent Remains, even to the total extinction of his Family. For it is (ſeeing where there is any humanity, there muſt be ſom compaſſion) not to be ſpoken without tears, that of the*

* Nemo unquam imperium flagitio quæſitum bonis artibus exercuit.

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full branches deriving from OCTAVIA *the elder Sister, and* JULIA *the Daughter of* AUGUSTUS, *there should not be one fruit or blossom that was not cut off or blasted by the Sword, Famin, or Poison. Now might the great Soul of* CÆSAR *have bin full; and yet that which pour'd in as much or more, was to behold that execrable race of the* CLAUDII, *having hunted and suck'd his Blood with the thirst of Tigers, to be rewarded with the* Roman *Empire, and remain in full possession of that famous Patrimony: a Spectacle to pollute the Light of Heaven! Nevertheless as if* CÆSAR *had not yet enough, his* Phœbean *Majesty caus'd to be introduc'd on the other side of the Theatre, the most illustrious and happy Prince* ANDREA DORIA, *with his dear Posterity, imbrac'd by the soft and constant Arms of the City of* Genoa, *into whose bosom, ever fruitful in her gratitude, he had dropt her fair* LIBERTY *like the dew of Heaven; which when the* Roman *Tyrant beheld, and how much more fresh that Laurel was worn with a firm root in the Hearts of the People, than that which he had torn off, he fell into such a horrid distortion of limbs and countenance, that the Senators who had thought themselves steel and flint at such an object, having hitherto stood in their reverend snowlike thawing Alps, now cover'd their faces with their large sleeves.*

"*MY Lords,* said the ARCHON rising, witty PHILADELPHUS "has given us grave admonition in dreadful Tragedy. *Discite "justitiam moniti, & non temnere Divos.* Great and glorious *Cæsar*, "the highest Character of flesh, yet could not rule but by that part "of Man which is the beast: but a Commonwealth is a Monarchy; "to her God is King, in as much as Reason, his dictat, is her Sove-"rain Power.

WHICH said, he adjourn'd the Council. And the Model was soon after promulgated. *Quod bonum, fœlix, faustumque sit huic Reipublicæ. Agite Quirites, censuere Patres, jubeat Populus: The Sea roar'd, and the Floods clapt their hands.*

LIBERTAS.

The Proclamation of his Highness the Lord ARCHON of OCEANA upon Promulgation of the Model.

Whereas his Highness and the Council, in the framing of the Model promulgated, have not had any private interest, or ambition, but the fear of God, and the good of this People before their eys; and it remains their desire that this great Work may be carry'd on accordingly: This present greeting is to inform the good People of this Land, that as the Council of Prytans **sat during the framing of the Model, to receive from time to time such Propositions as should be offer'd by any wisehearted or public spirited man, towards the institution of a well-order'd Comwonwealth, so the said Council is to sit as formerly in the great Hall of the** Pantheon **during Promul-**

See the course of the *Decemvirs* in the promulgation of the first ten of their twelve Tables in *LIVY*.

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gation (which is to continue for the space of three months) to receive, weigh, and, as there shall be occasion, transmit to the Council of Legislators, all such Objections as shall be made against the said Model, whether in the whole, or in any part. Wherfore that nothing be don rashly, or without the consent of the People, such, of what party soever, with whom there may remain any doubts or difficultys, are desir'd with all convenient speed to address themselves to the said Prytans; where, if such objections, doubts, or difficultys, receive solution to the satisfaction of the Auditory, they shall have public thanks: but if the said objections, doubts, or difficultys, receive no solution to the satisfaction of the Auditory, then the Model promulgated shall be reviewed, and the party that was the occasion of the review, shall receive public thanks, together with the best Horse in his Highness's Stable, and be one of the Council of Legislators. And so God have you in his keeping.

I SHOULD now write the same Council of the *Prytans*, but for two reasons; the one, that having had but a small time for that which is already don, I am overlabour'd; the other, that there may be new Objections. Wherfore, if my Reader has any such as to the Model, I intreat him to address himself by way of Oration, as it were, to the *Prytans*, that when this rough draught coms to be a work, his Speech being faithfully inserted in this place, may give, or receive correction to amendment: For what is written will be weigh'd. But Conversation, in these days, is a game, at which they are best provided that have light Gold: It is like the sport of Women that make Flowers of straws, which must be stuck up, but may not be touch'd. Nor, which is worse, is this the fault of Conversation only: But to the Examiner, I say, *If to invent method, and teach an art be all one*, let him shew that this Method is not truly invented, or this Art is faithfully taught.

Arist. Rhet.

I CANNOT conclude a Circle (and such is this Commonwealth) without turning the end into the beginning. The time of Promulgation being expir'd, the Surveyors were sent down, who having in due season made report that their work was perfect, the Orators follow'd; under the administration of which Officers and Magistrats the Commonwealth was ratify'd and establish'd by the whole body of the People, in their * Parochial, Hundred, and County Assemblys. And the Orators being, by virtue of their Scrols or Lots, Members of their respective Tribes, were elected each the first Knight of the third List, or Galaxy; wherfore having at their return assisted the ARCHON in putting the Senat, and the People or Prerogative into motion, they abdicated the Magistracy both of Orators and Legislators.

* Curiatio, Centuriatio, & T[illegible]

The

The COROLLARY.

FOR the reſt (ſays PLUTARCH, cloſing up the Story of LYCURGUS) when he ſaw that his Government had taken root, and was in the very Plantation ſtrong enough to ſtand by it ſelf, he conceiv'd ſuch a delight within him, as GOD is deſcrib'd by PLATO to have don when he had finiſh'd the Creation of the World, and ſaw his own Orbs move below him: For in the Art of Man (being the imitation of Nature, which is the || Art of GOD) there is nothing ſo like the firſt call of beautiful Order out of Chaos and Confuſion, as the Architecture of a well-order'd Commonwealth. Wherfore LYCURGUS ſeeing in effect, that his Orders were good, fell into deep Contemplation how he might render them, ſo far as could be effected by human Providence, inalterable and immortal. To which end he aſſembl'd the People, and remonſtrated to them, That for ought he could perceive, their Policy was already ſuch, and ſo well eſtabliſh'd, as was ſufficient to intail upon them and theirs all that Virtue and Felicity wherof human Life is capable: Nevertheleſs that there being another thing of greater concern than all the reſt, wherof he was not yet provided to give them a perfect account, nor could till he had conſulted the Oracle of APOLLO, he deſired that they would obſerve his Laws without any change or alteration whatſoever, till his return from *Delphos*; to which all the People chearfully and unanimouſly ingag'd themſelves by promiſe, deſiring him that he would make as much haſte as he could. But LYCURGUS before he went, began with the Kings and the Senators, and thence taking the whole People in order, made them all ſwear to that which they had promis'd, and then took his Journy. Being arriv'd at *Delphos*, he ſacrific'd to APOLLO, and afterwards inquir'd if the Policy which he had eſtabliſh'd, was good and ſufficient for a virtuous and happy Life? By the way it has bin a Maxim with Legiſlators not to give checks to the preſent Superſtition, but to make the beſt uſe of it, as that which is always the moſt powerful with the People; otherwiſe tho PLUTARCH being a Prieſt, was intereſted in the cauſe, there is nothing plainer than CICERO in his Book *De Divinatione* has made it, that there was never any ſuch thing as an Oracle, except in the cunning of the Prieſts. But to be civil to the Author, The God anſwer'd to LYCURGUS, that his Policy was exquiſit, and that his City, holding to the ſtrict obſervation of his form of Government, ſhould attain to the height of fame and glory. Which Oracle LYCURGUS cauſing to be written, fail'd not of tranſmitting to his *Lacedemon*. This don, that his Citizens might be for ever inviolably bound by their Oath, that they would alter nothing till his return, he took ſo firm a reſolution to dy in the place, that from thenceforward receiving no manner of Food, he ſoon after perform'd it accordingly. Nor was he deceiv'd in the conſequence; for his City became the firſt in glory and excellency of Government in the whole World. And ſo much for LYCURGUS according to PLUTARCH.

|| *Hobbs.*

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MY Lord ARCHON when he beheld not only the rapture of motion, but of joy and harmony, into which his Spheres (without any manner of obſtruction or interfering, but as if it had been naturally) were caſt, conceiv'd not leſs of exultation in his Spirit; but ſaw no more neceſſity or reaſon why he ſhould adminiſter an Oath to the Senat and the People that they would obſerve his Inſtitutions, than to a Man in perfect health and felicity of Conſtitution, that he would not kill himſelf. Nevertheleſs wheras Chriſtianity, tho' it forbids violent hands, conſiſts no leſs in ſelfdenial than any other Religion, he reſolv'd that all unreaſonable Deſires ſhould dy upon the ſpot; to which end that no manner of food might be left to Ambition, he enter'd into the Senat with a unanimous Applauſe, and having ſpoken of his Government as LYCURGUS did when he aſſembl'd the People, he abdicated the Magiſtracy of ARCHON. The Senat, as ſtruck with aſtoniſhment, continu'd ſilent; Men upon ſo ſudden an Accident being altogether unprovided of what to ſay; till the ARCHON withdrawing, and being almoſt at the door, divers of the Knights flew from their Places, offering as it were to lay violent hands on him, while he eſcaping left the Senat with the tears in their Eyes, of Children that had loſt their Father; and to rid himſelf of all farther importunity, retir'd to a Country Houſe of his, being remote, and very privat, in ſo much that no man could tell for ſome time what was becom of him. Thus the Lawmaker happen'd to be the firſt object and reflection of the Law made: for as Liberty of all things is the moſt welcom to a People, ſo is there nothing more abhorrent from their nature than Ingratitude. We accuſing the *Roman* People of this Crime againſt ſom of their greateſt Benefactors, as CAMILLUS, heap miſtake upon miſtake; for being not ſo competent Judges of what belongs to Liberty as they were, we take upon us to be more competent Judges of Virtue. And wheras Virtue, for being a vulgar thing among them, was of no leſs rate than Jewels are with ſuch as wear the moſt; we are ſelling this precious Stone, which we have ignorantly rak'd out of the *Roman* ruins at ſuch a rate as the *Switzers* did that which they took in the Baggage of CHARLES of *Burgundy*. For that CAMILLUS had ſtood more firm againſt the ruin of *Rome* than her Capitol, was acknowleg'd; but on the other ſide that he ſtood as firm for the *Patricians* againſt the Liberty of the People, was as plain: wherfore he never wanted thoſe of the People that would dy at his foot in the field, nor that would withſtand him to his beard in the City. An example in which they that think CAMILLUS had wrong, neither do themſelves right, nor the People of *Rome*; who in this ſignify no leſs than that they had a ſcorn of Slavery beyond the fear of Ruin, which is the height of Magnanimity. The like might be ſhewn by other examples objected againſt this, and other Popular Governments, as in the Baniſhment of ARISTIDES the *Juſt* from *Athens*, by the Oſtraciſm, which, firſt, was no puniſhment, nor ever underſtood for ſo much as a diſparagement; but tended only to the Security of the Commonwealth, thro the removal of a Citizen (whoſe Riches or Power with a Party was ſuſpected) out of harm's way for the ſpace of ten years, neither to the diminution of his Eſtate or Honor. And next, tho the virtue of ARISTIDES might in it ſelf be unqueſtion'd, yet for him under the name of the *Juſt* to becom Univerſal Umpire of the People in all caſes, even to the neglect of the legal

Never Ingratitude, but too much Love, the conſtant fault of the People.

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legal ways and orders of the Commonwealth, approach'd ſo much to the Prince, that the *Athenians*, doing ARISTIDES no wrong, did their Government no more than right in removing him; which therfore is not ſo probable to have com to paſs, as PLUTARCH preſumes, thro the envy of THEMISTOCLES, ſeeing ARISTIDES was far more popular than THEMISTOCLES, who ſoon after took the ſame walk upon a worſe occaſion. Wherfore as MACHIAVEL, for any thing ſince alledg'd, has irrefragably prov'd that Popular Governments are of all others the leaſt ingrateful; ſo the obſcurity, I ſay, into which my Lord ARCHON had now withdrawn himſelf, caus'd a univerſal ſadneſs and clouds in the minds of Men upon the glory of his riſing Commonwealth.

MUCH had bin ventilated in privat diſcourſe, and the People (for the Nation was yet divided into Partys that had not loſt their animoſitys) being troubl'd, bent their eys upon the Senat, when, after ſome time ſpent in devotion, and the ſolemn action of Thankſgiving, his Excellency NAVARCHUS DE PARALO in the Tribe of *Dorean*, Lord *Strategus* of *Oceana* (tho in a new Commonwealth a very prudent Magiſtrat) propos'd his part or opinion in ſuch a manner to the Council of State, that paſſing the Ballot of the ſame with great unanimity and applauſe, it was introduc'd into the Senat, where it paſt with greater. Wherfore the Decree being forthwith printed and publiſh'd, Copys were return'd by the Secretarys to the *Phylarchs* (which is the manner of Promulgation) and the Commiſſioners of the Seal, that is to ſay, the Right Honourable PHOSPHORUS DE AUGE in the Tribe of *Eudia*, DOLABELLA D'ENYO in the Tribe of *Turmæ*, and LINCEUS DE STELLA in the Tribe of *Nubia*, being elected Propoſers *pro tempore*, beſpoke of the Tribuns a Muſter of the People to be held that day ſix weeks, which was the time allow'd for Promulgation at the *Halo*.

THE Satisfaction which the People throout the Tribes receiv'd upon promulgation of the Decree, loaded the Carriers with weekly Letters between Friend and Friend, whether Magiſtrats or privat Perſons. But the day for Propoſition being com, and the Prerogative upon the place appointed in Diſcipline, SANGUINE DE RINGWOOD in the Tribe of *Saltum*, Captain of the *Phœnix*, march'd by order of the Tribuns with his Troop to the Piazza of the *Pantheon*, where his Trumpets entering into the great Hall by their Blazon gave notice of his Arrival; at which the Serjeant of the Houſe came down, and returning inform'd the Propoſers, who deſcending were receiv'd at the foot of the Stairs by the Captain, and attended to the Coaches of State with which CALCAR DE GILVO in the Tribe of *Phalera* Maſter of the Horſe, and the Ballotins upon their great Horſes, ſtood waiting at the Gate.

THE Propoſers being in their Coaches, the Train for the Pomp, the ſame that is us'd at the reception of Ambaſſadors, proceeded in this order. In the Front march'd the Troop with the Cornet in the Van, and the Captain in the Rear: next the Troop came the twenty Meſſengers or Trumpets; the Ballotins upon the Curvet with their Uſher in the Van, and the Maſter of the Horſe in the Rear: Next the Ballotins, BRONCHUS DE RAUCO in the Tribe of *Beſtia* King of the Heralds, with his Fraternity in their Coats of Arms; and next to Sir BRONCHUS, BORISTHENES DE HOLIWATER in the

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the Tribe of *Ave*, Maſter of the Ceremonys: The Mace and the Seal of the Chancery went immediately before the Coaches; and on either ſide, the Doorkeepers or Guard of the Senat, with their Pole-axes, accompany'd with ſom three or four hundred Footmen belonging to the Knights or Senators; the Trumpeters, Ballotins, Guards, Poſtilions, Coachmen and Footmen, being very gallant in the Liverys of the Commonwealth; but all, except the Ballotins, without Hats, in lieu wherof they wore black velvet Calots, being pointed with a little peak at the forehead. After the Propoſers came a long file of Coaches full of ſuch Gentlemen as uſe to grace the Commonwealth upon the like occaſions. In this Poſture they mov'd ſlowly thro the ſtreets (affording in the gravity of the Pomp, and the welcomneſs of the end, a moſt reverend and acceptable Proſpect to the People all the way from the *Pantheon*, being about half a mile) and arriv'd at the *Halo*, where they found the Prerogative in a cloſe body inviron'd with Scaffolds that were cover'd with Spectators. The Tribuns receiv'd the Propoſers, and conducted them into a Seat plac'd in the front of the Tribe, like a Pulpit, but that it was of ſom length, and well adorn'd by the Heralds with all manner of Birds and Beaſts, except that they were ill painted, and never a one of his natural color. The Tribuns were plac'd at a Table that ſtood below the long Seat, thoſe of the Horſe in the middle, and thoſe of the Foot at either end, with each of them a Boul or Baſon before him, that on the right hand being white, and the other green: In the middle of the Table ſtood a third which was red. And the Houſekeepers of the Pavilion, who had already deliver'd a proportion of linen Balls or Pellets to every one of the Tribe, now preſented Boxes to the Ballotins. But the Propoſers as they enter'd the Gallery, or long Seat, having put off their Hats by way of Salutation, were anſwer'd by the People with a ſhout; wherupon the younger Commiſſioners ſeated themſelves at either end; and the firſt ſtanding in the middle, ſpoke after this manner.

My Lords, the People of Oceana,

" WHILE I find in myſelf what a Felicity it is to ſalute you " by this Name, and in every Face, anointed as it were with " the Oil of Gladneſs, a full and ſufficient teſtimony of the like ſenſe, " to go about to feaſt you with words, who are already fill'd with " that Food of the mind, which being of pleaſing and wholſom di- " geſtion, takes in the definition of true Joy, were a needleſs Enter- " prize. I ſhall rather put you in mind of that thankfulneſs which " is due, than puff you up with any thing that might ſeem vain. Is " it from the arms of fleſh that we derive theſe Bleſſings? Behold the " Commonwealth of *Rome* falling upon her own victorious Sword. " Or is it from our own Wiſdom, whoſe Counſils had brought it even " to that paſs, that we began to repent our ſelves of Victory? Far be " it from us, my Lords, to ſacrifice to our own Nets, which we our " ſelves have ſo narrowly eſcap'd! Let us rather lay our mouths in " the duſt, and look up (as was taught the other day when we were " better inſtructed in this Leſſon) to the Hills with our Gratitude. " Nevertheleſs ſeeing we read how God upon the neglect of his Pro- " phets has bin provok'd to wrath, it muſt needs follow that he ex- " pects Honor ſhould be given to them by whom he has choſen to

" work

" work as his Instruments. For which cause, nothing doubting of " my Warrant, I shall proceed to that which more particularly con- " cerns the present occasion, the discovery of my Lord ARCHON's " Virtues and Merit, to be ever plac'd by this Nation in their true Me- " ridian.

My Lords;

" I AM not upon a Subject which persuades me to balk, but ne- " cessitats me to seek out the greatest Examples. To begin with " ALEXANDER erecting Trophys common to his Sword and the " Pestilence; To what good of Mankind did he infect the Air with " his heap of Carcasses? The Sword of War, if it be any otherwise " us'd than as the Sword of Magistracy, for the fear and punishment " of those that do evil, is as guilty in the sight of God, as the Sword " of a Murderer; nay more, for if the Blood of ABEL, of one in- " nocent Man, cry'd in the ears of the Lord for Vengeance, what " shall the Blood of an innocent Nation? Of this kind of Empire, the " Throne of Ambition, and the Quarry of a mighty Hunter, it has " bin truly said, that it is but a great Robbery. But if ALEXAN- " DER had restor'd the Liberty of *Greece*, and propagated it to " mankind, he had don like my Lord ARCHON, and might have " bin truly call'd the Great. ALEXANDER car'd not to steal a " Victory that would be given: But my Lord ARCHON has torn " away a Victory which had bin stolen, while we went tamely yield- " ing up Obedience to a * Nation reaping in our Fields, whose Fields " he has subjected to our Empire, and nail'd them with his victorious " Sword to their native *Caucasus*.

* *The Scotish Royal Line.*

" *MACHIAVEL* gives a handsom caution, Let no Man, says " he, be circumvented with the Glory of CÆSAR, from the false re- " flection of their Pens, who thro the longer continuance of his Em- " pire in the Name than in the Family, chang'd their Freedom for " Flattery. But if a man would know truly what the *Romans* " thought of CÆSAR, let them observe what they said of CATI- " LIN.

" AND yet by how much he who has perpetrated som heinous " Crime, is more execrable than he who did but attemt it; by so " much is CÆSAR more execrable than CATILIN. On the con- " trary, let him that would know what antient and heroic Times, " what the *Greecs* and *Romans* would both have thought and said of " my Lord ARCHON, observe what they thought and said of So- " LON, LYCURGUS, BRUTUS, and PUBLICOLA. And yet by " how much his Virtue, that is crown'd with the perfection of his " Work, is beyond theirs, who were either inferior in their aim, " or in their performance; by so much is my Lord ARCHON to be " prefer'd before SOLON, LYCURGUS, BRUTUS, and PUBLICO- " LA.

" NOR will we shun the most illustrious Example of SCIPIO: " This Hero, tho never so little less, yet was he not the founder of a " Commonwealth; and for the rest, allowing his Virtue to have bin " of the most untainted Ray, in what did it outshine this of my " Lord ARCHON? But if dazling the Eys of the Magistrats it over- " aw'd Liberty, *Rome* might be allow'd som excuse that she did not

" like

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" like it, and I, if I admit not of this compariſon: for where is my " Lord ARCHON? Is there a Genius, how free ſoever, which in his " preſence would not find it ſelf to be under power? He is ſhrunk in- " to Clouds, he ſeeks Obſcurity in a Nation that ſees by his Light. " He is impatient of his own Glory, leſt it ſhould ſtand between you " and your Liberty.

" LIBERTY! What is even that, if we may not be grateful? " And if we may, we have none: For who has any thing that he dos " not ow? My Lords, there be ſom hard conditions of Virtue: If " this Debt were exacted, it were not due; wheras being cancel'd, " we are all enter'd into Bonds. On the other ſide, if we make ſuch " a payment as will not ſtand with a free People, we do not inrich " my Lord ARCHON, but rob him of his whole Eſtate, and his " immenſe Glory.

" THESE Particulars had in due deliberation and mature debate, " according to the Order of this Commonwealth, *It is propos'd by Au-* " *thority of the Senat, to you my Lords the People of* Oceana.

" *I.* THAT the Dignity and Office of ARCHON, or Protector " of the Commonwealth of *Oceana*, be, and is hereby conferr'd by " the Senat and the People of *Oceana*, upon the moſt Illuſtrious Prince, " and ſole Legiſlator of this Commonwealth, OLPHAUS MEGA- " LETOR *Pater Patriæ*, whom God preſerve, for the term of his " natural Life.

" *II.* THAT three hundred and fifty thouſand pounds *per annum* " yet remaining of the antient Revenue, be eſtated upon the ſaid Il- " luſtrious Prince, or Lord ARCHON, for the ſaid term, and to the " proper and peculiar uſe of his Highneſs.

" *III.* THAT the Lord ARCHON have the reception of all foren " Embaſſadors, by and with the Council of State, according to the " Orders of this Commonwealth.

" *IV.* THAT the Lord ARCHON have a ſtanding Army of " twelve thouſand Men, defray'd upon a monthly Tax, during the " term of three years, for the protection of this Commonwealth a- " gainſt diſſenting Partys; to be governed, directed, and commanded " by and with the advice of the Council of war, according to the Or- " ders of this Commonwealth.

" *V.* THAT this Commonwealth make no diſtinction of Perſons " or Partys, but every man being elected and ſworn, according to the " Orders of the ſame, be equally capable of Magiſtracy; or not elected, " be equally capable of Liberty, and the injoyment of his Eſtate free " from all other than common Taxes.

" *VI.* THAT a man putting a diſtinction upon himſelf, re- " fuſing the Oath upon Election, or declaring himſelf of a Party " not conformable to the Civil Government, may within any time " of the three years ſtanding of the Army, tranſport himſelf and " his Eſtate, without moleſtation or impediment, into any other Na- " tion.

" *VII.* THAT in caſe there remains any diſtinction of Partys not " conforming to the Civil Government of this Commonwealth, af- " ter the three years of the ſtanding army being expir'd, and the Com- " monwealth be therby forc'd to prolong the term of the ſaid Ar- " my, the pay from thenceforth of the ſaid Army be levy'd upon the

" Eſtates

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" Eſtates of ſuch Partys ſo remaining unconformable to the Civil Go-
" vernment.

THE propoſer having ended his Oration, the Trumpets ſounded; and the Tribuns of the Horſe being mounted to view the Ballot, caus'd the Tribe (which thronging up to the Speech, came almoſt round the Gallery) to retreat about twenty paces, when LINCEUS DE STELLA receiving the Propoſitions, repair'd with BRONCHUS DE RAUCO the Herald, to a little Scaffold erected in the middle of the Tribe, where he ſeated himſelf, the Herald ſtanding bare upon his right hand. The *Ballotins* having their Boxes ready, ſtood before the Gallery, and at the command of the Tribuns march'd, one to every Troop on Horſeback, and one to every Company on Foot; each of them being follow'd by other Children that bore red Boxes: now this is putting the Queſtion whether the Queſtion ſhould be put. And the Suffrage being very ſuddenly return'd to the Tribuns at the Table, and number'd in the view of the Propoſers, the Votes were all in the Affirmative: wherupon the red or doubtful Boxes were laid aſide, it appearing that the Tribe, whether for the Negative or Affirmative, was clear in the matter. Wherfore the Herald began from the Scaffold in the middle of the Tribe, to pronounce the firſt Propoſition, and the *Ballotins* marching with the Negative or Affirmative only, BRONCHUS with his Voice like Thunder, continu'd to repeat the Propoſition over and over again, ſo long as it was in Balloting. The like was don for every Clauſe, till the Ballot was finiſh'd, and the Tribuns aſſembling, had ſign'd the Points, that is to ſay, the number of every Suffrage, as it was taken by the Secretary upon the tale of the Tribuns, and in the ſight of the Propoſers; for this may not be omitted, it is the pulſe of the People. Now wheras it appertains to the Tribuns to report the Suffrage of the People to the Senat, they caſt the Lot for this Office with three ſilver Balls, and one gold one; and it fell upon the Right Worſhipful ARGUS DE CROOKHORN in the Tribe of *Paſcua*, firſt Tribun of the Foot. ARGUS being a good ſufficient man in his own Country, was yet of the mind that he ſhould make but a bad Spokeſman; and therfore became ſomthing blank at his luck, till his Collegues perſwaded him that it was no ſuch great matter, if he could but read, having his Paper before him. The Propoſers taking Coach, receiv'd a Volly upon the Field, and return'd in the ſame order, ſave that being accompany'd with the Tribuns, they were alſo attended by the whole Prerogative to the Piazza of the *Pantheon*, where with another Volly they took their Leaves. ARGUS, who had not thought upon his Wife and Children all the way, went very gravely up: and every one being ſeated, the Senat by their ſilence ſeem'd to call for the Report; which ARGUS ſtanding up, deliver'd in this wiſe,

Right Honorable Lords and Fathers aſſembl'd in Parlament;

" SO it is, that it has fal'n to my Lot to report to your Excellencys
" the Votes of the People, taken upon the third inſtant, in the
" firſt year of this Commonwealth, at the *Halo*; the Right Hono-
" rable PHOSPHORUS DE AUGE in the Tribe of *Eudia*, DOLA-
" BELLA DE ENYO in the Tribe of *Turmæ*, and LINCEUS DE

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" STELLA in the Tribe of *Nubia*, Lords Commiſſioners of the " Great Seal of *Oceana*, and Propoſers *pro temporibus*——together " with my Brethren the Tribuns, and my ſelf being preſent. Wher- " fore theſe are to certify to your Fatherhoods, that the ſaid Votes " of the People were as follows; that is to ſay:

" TO the firſt Propoſition, *Nemine contradicante*——
" TO the ſecond, *Nemine contradicante*——
" TO the third, the like.
" TO the fourth 211, above half.
" TO the fifth 201, above half.
" TO the ſixth 150, above half, in the Affirmative.
" TO the ſeventh, *Nomine* again, and ſo forth——

" MY LORDS, It is a Language that is out of my Prayers, and " if I be out at it, no harm——

" BUT as concerning my Lord ARCHON (as I was ſaying) " theſe are to ſignify to you the true-heartedneſs and good-will which " is in the People, ſeeing by joining with you, as one man, they confeſs " that all they have to give, is too little for his Highneſs. For truly, " Fathers, if he who is able to do harm, and dos none, may well be " call'd honeſt; What ſhall we ſay to my Lord ARCHON's High- " neſs, who having had it in his power to have don us the greateſt " miſchief that ever befel a poor Nation, ſo willing to truſt ſuch as " they thought well of, has don us ſo much good, as we ſhould never " have known how to do ourſelves? which was ſo ſweetly deliver'd " by my Lord Chancellor PHOSPORUS to the People, that I dare " ſay there was never a one of them could forbear to do as I do—— " An't pleaſe your Fatherhoods, they be tears of Joy. Ay, my Lord " ARCHON ſhall walk the Streets (if it be for his eaſe I mean) " with a ſwitch, while the People run after him and pray for him: " he ſhall not wet his foot; they will ſtrew flowers in his way: he " ſhall ſit higher in their hearts, and in the Judgment of all good men, " than the Kings that go up ſtairs to their Seats; and one of theſe had " as good pull two or three of his fellows out of their great Chairs, " as wrong him, or meddle with him; he has two or three hundred " thouſand men, that when you ſay the word, ſhall ſell themſelves " to their ſhirts for him, and dy at his foot. His Pillow is of Down, " and his Grave ſhall be as ſoft, over which they that are alive ſhall " wring their hands. And to com to your Fatherhoods, moſt truly " ſo call'd, as being the loving Parents of the People, truly you do " not know what a feeling they have of your Kindneſs, ſeeing you " are ſo bound up, that if there coms any harm, they may thank " themſelves. And, alas! poor Souls, they ſee that they are given " to be of ſo many minds, that tho they always mean well, yet if " there coms any good, they may thank them that teach them better. " Wherfore there was never ſuch a thing as this invented, they do ve- " rily believe that it is no other than the ſame which they always " had in their very heads, if they could have but told how to bring " it out. As now for a ſample; My Lords the Propoſers had no " ſooner ſaid your minds, than they found it to be that which heart " could wiſh. And your Fatherhoods may comfort yourſelves, that " there is not a People in the world more willing to learn what is for

" their

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" their own good, nor more apt to ſee it, when you have ſhew'd it
" them. Wherfore they do love you as they do their own ſelves;
" honour you as Fathers; reſolve to give you as it were Obedience
" for ever: and ſo thanking you for your moſt good and excellent
" Laws, they do pray for you as the very Worthys of the Land,
" Right Honorable Lords and Fathers aſſembl'd in Parlament.

ARGUS came off beyond his own expectation; for thinking right, and ſpeaking as he thought, it was apparent by the Houſe, and the thanks they gave him, that they eſteem'd him to be abſolutely of the beſt ſort of Orators; upon which having a mind that till then miſgave him, he became very crounſe, and much delighted with that which might go down the next week in print to his Wife and Neighbors. LIVY makes the *Roman* Tribuns to ſpeak in the ſame ſtile with the Conſuls, which could not be, and therfore for ought in him to the contrary, VOLERO and CANULEIUS might have ſpoken in no better ſtile than ARGUS. However, they were not created the firſt year of the Commonwealth; and the Tribuns of *Oceana* are ſince becom better Orators than were needful. But the Laws being enacted, had the Preamble annex'd, and were deliver'd to BRONCHUS, who lov'd nothing in the Earth ſo much as to go ſtaring and bellowing up and down the Town, like a ſtag in a Foreſt, as he now did, with his fraternity in their Coats of Arms, and I know not how many Trumpets, proclaiming the Act of Parlament; when meeting my Lord ARCHON, who from a retreat that was without Affectation, as being for Devotion only, and to implore a Bleſſing by Prayer and Faſting upon his Labors, now newly arriv'd in Town, the Herald of the Tribe of *Beſtia* ſet up his throat, and having chanted out his Leſſon, paſt as haughtily by him, as if his own had bin the better Office; which in this place was very well taken, tho BRONCHUS for his high mind happen'd afterward upon ſom diſaſters, too long to tell, that ſpoil'd much of his Imbroidery.

MY Lord ARCHON's Arrival being known, the Signory, accompany'd by the Tribuns, repair'd to him, with the news he had already heard by the Herald; to which my Lord Strategus added, That his Highneſs could not doubt upon the Demonſtrations given, but the minds of men were firm in the opinion, that he could be no ſeeker of himſelf in the way of earthly Pomp and Glory; and that the Gratitude of the Senat, and the People, could not therfore be underſtood to have any ſuch reflection upon him. But ſo it was, that in regard of Dangers abroad, and Partys at home, they durſt not truſt themſelves without a ſtanding Army, nor a ſtanding Army in any man's hands but thoſe of his Highneſs.

THE ARCHON made anſwer, that he ever expected this would be the ſenſe of the Senat and the People; and this being their ſenſe, he ſhould have bin ſorry they had made choice of any other than himſelf for a ſtanding General: Firſt, Becauſe it could not have bin more to their own ſafety: And, Secondly, Becauſe ſo long as they ſhould have need of a ſtanding Army, his work was not done: That he would not diſpute againſt the Judgment of the Senat and the People, nor ought that to be. Nevertheleſs, he made little doubt but experience would ſhew every Party their own Intereſt in this Government, and that better improv'd than they could expect from any other; that Mens ani-

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mositys ſhould overbalance their Intereſt for any time, was impoſſible; that humour could never be laſting, nor thro the Conſtitution of the Government, of any effect at the firſt charge. For ſuppoſing the worſt, and that the People had choſen no other into the Senat and the Prerogative than Royaliſts, a matter of fourteen hundred men muſt have taken their Oaths at their Election, with an intention to go quite contrary, not only to their Oaths ſo taken, but to their own Intereſt; for being eſtated in the Soverain Power, they muſt have decreed it from themſelves (ſuch an example for which there was never any experience, nor can there be any reaſon) or holding it, it muſt have don in their hands as well every whit as in any other. Furthermore, they muſt have remov'd the Government from a Foundation that apparently would hold, to ſet it upon another which apparently would not hold; which things if they could not com to paſs, the Senat and the People conſiſting wholly of Royaliſts, much leſs by a parcel of them elected. But if the fear of the Senat and of the People deriv'd from a Party without, ſuch a one as would not be elected, nor ingage themſelves to the Commonwealth by an Oath; this again muſt be ſo large, as would go quite contrary to their own Intereſt, they being as free and as fully eſtated in their Liberty as any other, or ſo narrow that they could do no hurt, while the People being in Arms, and at the beck of the Strategus, every Tribe would at any time make a better Army than ſuch a Party: and there being no Partys at home, fears from abroad would vaniſh. But ſeeing it was otherwiſe determin'd by the Senat and the People, the beſt courſe was to take that which they held the ſafeſt, in which with his humble thanks for their great bounty, he was reſolv'd to ſerve them with all Duty and Obedience.

A VERY ſhort time after the Royaliſts, now equal Citizens, made good the ARCHON's Judgment, there being no other that found any thing near ſo great a ſweet in the Government. For he who has not bin acquainted with Affliction, ſays SENECA, knows but half the things of this world.

MOREOVER they ſaw plainly, that to reſtore the antient Government they muſt caſt up their Eſtates into the hands of three hundred men; wherfore in caſe the Senat and the Prerogative, conſiſting of thirteen hundred men, had bin all Royaliſts, there muſt of neceſſity have bin, and be for ever, one thouſand againſt this or any ſuch Vote. But the Senat being inform'd by the Signory, that the ARCHON had accepted of his Dignity and Office, caus'd a third Chair to be ſet for his Highneſs, between thoſe of the Strategus and the Orator in the Houſe, the like at every Council; to which he repair'd, not of neceſſity, but at his pleaſure, being the beſt, and, as ARGUS not vainly ſaid, the greateſt Prince in the World: for in the Pomp of his Court he was not inferior to any, and in the Field he was follow'd with a Force that was formidable to all. Nor was there a cauſe in the nature of this Conſtitution to put him to the charge of Guards, to ſpoil his ſtomach or his ſleep: Inſomuch, as being handſomly diſputed by the Wits of the Academy, whether my Lord ARCHON, if he had bin ambitious, could have made himſelf ſo great, it was carry'd clear in the Negative; not only for the Reaſons drawn from the preſent balance, which was Popular; but putting the caſe the balance had bin Monarchical. For there be ſom Nations, wherof

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wherof this is one, that will bear a Prince in a Commonwealth far higher than it is poſſible for them to bear a Monarch. *Spain* look'd upon the Prince of *Orange* as her moſt formidable Enemy; but if ever there be a Monarch in *Holland*, he will be the *Spaniards* beſt friend. For wheras a Prince in a Commonwealth derives his Greatneſs from the root of the People, a Monarch derives his from one of thoſe balances which nip them in the root; by which means the *Low Countrys* under a Monarch were poor and inconſiderable, but in bearing a Prince could grow to a miraculous height, and give the Glory of his Actions by far the upper hand of the greateſt King in *Chriſtendom*. There are Kings in *Europe*, to whom a King of *Oceana* would be but a *petit Companion*. But the Prince of this Commonwealth is the Terror and Judg of them all.

THAT which my Lord ARCHON now minded moſt, was the Agrarian, upon which Debate he inceſſantly thruſt the Senat and the Council of State; to the end it might be planted upon ſom firm root, as the main point and baſis of perpetuity to the Commonwealth.

AND theſe are ſom of the moſt remarkable Paſſages that happen'd in the firſt year of this Government. About the latter end of the ſecond, the Army was diſbanded, but the Taxes continu'd at thirty thouſand Pounds a month, for three years and a half. By which means a piece of Artillery was planted, and a portion of Land to the value of 50 *l.* a year purchas'd for the maintenance of the Games, and of the Prize arms for ever, in each Hundred.

WITH the eleventh year of the Commonwealth, the term of the Exciſe, allotted for the maintenance of the Senat and the People and for the raiſing of a public Revenue expir'd. By which time the Exchequer, over and above the annual Salarys, amounting to three hundred thouſand Pounds, accumulating every year out of one Million incom ſeven hundred thouſand Pounds in Banco, brought it with a product of the Sum, riſing to about eight Millions in the whole: wherby at ſeveral times they had purchas'd to the Senat and the People four hundred thouſand Pounds *per annum* ſolid Revenue; which, beſides the Lands held in *Panopea*, together with the Perquiſits of either Province, was held ſufficient for a public Revenue. Nevertheleſs, Taxes being now wholly taken off, the Exciſe of no great burden (and many ſpecious advantages not vainly propos'd in the heightning of the public Revenue) was very chearfully eſtabliſh'd by the Senat and the People, for the term of ten years longer; and the ſame courſe being taken, the public Revenue was found in the one and twentieth of the Commonwealth, to be worth one Million in good Land. Wherupon the Exciſe was ſo aboliſh'd for the preſent, as withal reſolv'd to be the beſt, the moſt fruitful and eaſy way of raiſing Taxes, according to future Exigences. But the Revenue being now ſuch as was able to be a yearly Purchaſer, gave a jealouſy that by this means the balance of the Commonwealth, conſiſting in privat Fortunes, might be eaten out; whence this year is famous for that Law wherby the Senat and the People forbidding any further purchaſe of Lands to the Public within the Dominions of *Oceana* and the adjacent Provinces, put the Agrarian upon the Commonwealth herſelf. Theſe Increaſes are Things which Men, addicted to Monarchy, deride as impoſſible, wherby they unwarily urge a ſtrong Argument againſt that which they would defend. For having their eys fix'd upon the Pomp and Expence,

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Expence, by which not only every Child of a King being a Prince, exhauſts his Father's Coffers; but Favorits and ſervil Spirits, devoted to the flattery of thoſe Princes, grow inſolent and profuſe, returning a fit Gratitude to their Maſters, whom while they hold it honorable to deceive, they ſuck and keep eternally poor: It follows that they do not ſee how it ſhould be poſſible for a Commonwealth to clothe her ſelf in Purple, and thrive ſo ſtrangely upon that which would make a Prince's hair grow thro his hood, and not afford him bread. As if it were a Miracle that a careleſs and prodigal Man ſhould bring ten thouſand Pounds a year to nothing, or that an induſtrious and frugal Man brings a little to ten thouſand Pounds a year. But the fruit of one man's induſtry and frugality can never be like that of a Commonwealth; Firſt, becauſe the greatneſs of the Increaſe follows the greatneſs of the Stock or Principal: And, Secondly, becauſe a frugal Father is for the moſt part ſucceded by a laviſh Son; wheras a Commonwealth is her own Heir.

THIS year a part was propos'd by the Right Honorable AUREUS DE WOOLSACK in the Tribe of *Pecus*, firſt Commiſſioner of the Treaſury, to the Council of State, which ſoon after paſt the Ballot of the Senat and the People: by which the Lands of the Public Revenue, amounting to one Million, were equally divided into five thouſand Lots, enter'd by their names and parcels into a Lotbook preſerv'd in the Exchequer. And if any Orphan, being a Maid, ſhould caſt her Eſtate into the Exchequer for fourteen hundred Pounds, the Treaſury was bound by the Law to pay her quarterly two hundred Pounds a year, free from Taxes, for her Life, and to aſſign her a Lot for her Security: if ſhe marry'd, her Huſband was neither to take out the Principal without her conſent (acknowleg'd by her ſelf to one of the Commiſſioners of the Treaſury, who according as he found it to be free, or forc'd, was to allow or diſallow of it) nor any other way ingage it, than to her proper uſe. But if the Principal were taken out, the Treaſury was not bound to repay any more of it than one thouſand Pounds; nor might that be repaid at any time, ſave within the firſt year of her Marriage: the like was to be don by a half or quarter Lot reſpectively.

THIS was found to be a great Charity to the weaker Sex, and as ſom ſay, who are more ſkilful in the like Affairs than my ſelf, of good Profit to the Commonwealth.

NOW began the Native Spleen of *Oceana* to be much purg'd, and Men not to affect Sullenneſs and Pedantiſm. The Elders could remember that they had bin Youth. Wit and Gallantry were ſo far from being thought Crimes in themſelves, that care was taken to preſerve their innocence. For which cauſe it was propos'd to the Council for Religion by the Right Honorable CADISCUS DE CLERO, in the Tribe of *Stamnum*, firſt Cenſor, That ſuch Women as living in Gallantry and View about the Town, were of evil fame, and could not ſhew that they were maintain'd by their own Eſtates or Induſtry; or ſuch as having Eſtates of their own, were yet waſtful in their way of life, and of ill example to others, ſhould be obnoxious to the animadverſion of the Council of Religion, or of the Cenſors: In which the proceeding ſhould be after this manner. Notice ſhould be firſt given of the ſcandal to the Party offending, in privat: if there were no amendment within the ſpace of ſix months, ſhe ſhould be ſummon'd

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ſummon'd and rebuk'd before the ſaid Council or Cenſors; and, if after other ſix months it were found that neither this avail'd, ſhe ſhould be cenſured not to appear at any public Meetings, Games, or Recreations, upon penalty of being taken up by the Doorkeepers, or Guards of the Senat, and by them to be detain'd, till for every ſuch Offence, five Pounds were duly paid for her inlargement.

FURTHERMORE, if any common Strumpet ſhould be found or any ſcurrility or profaneneſs repreſented at either of the Theaters, the Prelats for every ſuch Offence ſhould be fin'd twenty Pounds by the ſaid Council, and the Poet, for every ſuch offence on his part, ſhould be whipt. This Law relates to another, which was alſo enacted the ſame year upon this occaſion.

THE Youth and Wits of the Academy having put the Buſineſs ſo home in the defence of Comedys, that the Provoſts had nothing but the Conſequences provided againſt by the foregoing Law to object, prevail'd ſo far, that two of the Provoſts of the Council of State join'd in a Propoſition, which after much ado came to a Law, whereby one hundred thouſand pounds was allotted for the building of two Theaters on each ſide of the Piazza of the *Halo:* and two annual Magiſtrats called *Prelats*, choſen out of the Knights, were added to the Tropic, the one call'd the Prelat of the Buſkin, for inſpection of the Tragic Scene call'd *Melpomene*; and the other the Prelat of the Sock, for the Comic call'd *Thalia*, which Magiſtrats had each five hundred pounds a year allow'd out of the Profits of the Theaters; the reſt, except eight hundred a year to four Poets, payable into the Exchequer. A Poet Laureat created in one of theſe Theaters, by the *Strategus* receives a Wreath of five hundred pounds in Gold, paid out of the ſaid Profits. But no man is capable of this Creation, that had not two parts in three of the Suffrages at the Academy, aſſembl'd after ſix weeks warning, and upon that occaſion.

THESE things among us are ſure enough to be cenſur'd, but by ſuch only as do not know the nature of a Commonwealth: for to tell men that they are free, and yet to curb the genius of a People in a lawful Recreation, to which they are naturally inclin'd, is to tell a tale of a Tub. I have heard the Proteſtant Miniſters in *France*, by men that were wiſe, and of their own profeſſion, much blam'd in that they forbad Dancing, a Recreation to which the Genius of that Air is ſo inclining, that they loſt many who would not loſe that: Nor do they leſs than blame the former determination of raſhneſs, who now gently connive at that which they had ſo roughly forbidden. Theſe Sports in *Oceana* are ſo govern'd, that they are pleaſing for privat diverſion, and profitable to the Public: For the Theaters ſoon defray'd their own charge, and now bring in a good Revenue. All this is ſo far from the detriment of Virtue, that it is to the improvement of it, ſeeing Women that heretofore made havock of their Honors that they might have their Pleaſures, are now incapable of their Pleaſures, if they loſe their Honors.

ABOUT the one and fortieth year of the Commonwealth, the Cenſors, according to their annual Cuſtom, reported the Pillar of *Nilus*, by which it was found that the People were increas'd very near one third. Wherupon the Council of War was appointed by the Senat to bring in a State of War, and the Treaſurers the State of the Treaſury. The State of War, or the Pay and Charge of an Army, was ſoon after exhibited by the Council in this Account. *The*

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The Field Pay of a Parlamentary Army.

	l. per. ann.
THE Lord Strategus, *Marching*	10000.
Polemarchs. General of the Horſe	2000.
Lieutenant General	2000.
General of the Artillery	1000.
Commiſſary General	1000.
Major General	1000.
Quartermaſter General	1000.
Two Adjutants to the Major General	1000.
Forty Colonels	40000.
100 Captains of Horſe, at 500 *l.* a Man	50000.
300 Captains of Foot, at 300 *l.* a Man	90000.
100 Cornets, at 100 *l.* a Man	10000.
300 Enſigns, at 50 *l.* a Man	15000.
800 Quartermaſters, Serjeants, Trumpeters, Drummers	20000.
10000 Horſe, at 2*s.* 6*d.* *per* day each	470000.
30000 Foot, at 1*s.* *per* day each.	500000.
Chirurgeons	400.
Sum	1114400.
40000 Auxiliarys, amounting to within a little as much	1100000.
THE Charge of mounting 20000 Horſe	300000.
THE Train of Artillery, holding a 3*d* to the whole	900000.
Summa totalis	1414400.

ARMS and Ammunition are not reckon'd, as thoſe which are furniſht out of the Store or Arſenal of *Emporium*: Nor waſtage, as that which gos upon the account of the Fleet, maintain'd by the Cuſtoms; which Cuſtoms, thro the care of the Council for Trade, and growth of Traffic, were long ſince improv'd to about a Million Revenue. The Houſe being thus inform'd of a State of War, the Commiſſioners brought in

THE ſtate of the Treaſury this preſent year, being the one and fortieth of the Commonwealth.

	l.
RECEIVED from the one and twentieth of this Commonwealth, by 700000 *l.* a year in bank, with the Product of the Sum riſing	16000000

EX-

EXPENDED from the one and twentieth of this Commonwealth.

	l.
IMPRIMIS, For the Addition of Arms for 100000 Men to the Arſenal, or Tower of *Emporium*	1000000.
FOR the ſtoring of the ſame with Artillery	300000.
FOR the ſtoring of the ſame with Ammunition	200000.
FOR beautifying the Citys, Parks, Gardens, Publick Walks, and Places for Recreation of *Emporium* and *Hiera*, with Public Buildings, Aquæducts, Statues, and Fountains, *&c.*	1500000.
EXTRAORDINARY Embaſſys	150000.
Sum	3150000.

REMAINING in the Treaſury, the Salarys of the Exchequer being defalk'd. 12000000.

BY compariſon of which Accounts if a War with an Army of 80000 Men were to be made by the Penny, yet was the Commonwealth able to maintain ſuch a one above three years, without levying a Tax. But it is againſt all Experience, Senſe and Reaſon, that ſuch an Army ſhould not be ſoon broken, or make a great progreſs; in either of which caſes, the Charge ceaſes; or rather if a right courſe be taken in the latter, Profit coms in: for the *Romans* had no other conſiderable way but Victory wherby to fill their Treaſury, which nevertheleſs was ſeldom emty. ALEXANDER did not conſult his Purſe upon his Deſign for *Perſia*: It is obſerv'd by MACHIAVEL, that LIVY arguing what the event in reaſon muſt have bin had that king invaded *Rome*, and diligently meaſuring what on each ſide was neceſſary to ſuch a War, never ſpeaks a word of Mony. No man imagins that the *Gauls*, *Goths*, *Vandals*, *Huns*, *Lombards*, *Saxons*, *Normans*, made their Inroads or Conqueſts, by the ſtrength of the Purſe; and if it be thought enough, according to the dialect of our Age, to ſay in anſwer to theſe things, that thoſe times are paſt and gon: what Mony did the late GUSTAVUS, the moſt victorious of modern Princes, bring out of *Sweden* with him into *Germany?* An Army that gos upon a golden Leg, will be as lame as if it were a wooden one; but proper Forces have Nerves and Muſcles in them, ſuch for which, having four or five Millions, a Sum eaſy enough, with a Revenue like this of *Oceana*, to be had at any time in readineſs, you need never, or very rarely charge the People with Taxes. What influence the Commonwealth by ſuch Arms has had upon the World, I leave to Hiſtorians, whoſe cuſtom it has bin of old, to be as diligent obſervers of foren Actions, as careleſs of thoſe domeſtic Revolutions which (leſs pleaſant it may be, as not partaking ſo much of the Romance) are to Stateſmen of far greater profit; and this Fault, if it be not mine, is ſo much more frequent with modern Writers, as has caus'd me to undertake this Work; on which to give my own Judgment, it is perform'd as much above the time I have bin about it, as below the dignity of the matter.

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BUT I cannot depart out of this Country, till I have taken leave of my Lord ARCHON, a Prince of immenſe Felicity, who having built as high with his Counſils, as he dig'd deep with his Sword, had now ſeen fifty years meaſur'd with his own inerring Orbs.

Plutarch *in the Life of* Timoleon.

TIMOLEON (ſuch a hater of Tyrants that not able to perſuade his Brother TIMOPHANES to relinquiſh the Tyranny of *Corinth*, he ſlew him) was afterwards elected by the People (the *Sicilians* groaning to them from under the like burden) to be ſent to their relief: Wherupon TELECLIDES the Man at that time of moſt Authority in the Commonwealth of *Corinth*, ſtood up, and giving an Exhortation to TIMOLEON, how he ſhould behave himſelf in this Expedition, told him, that if he reſtor'd the *Sicilians* to Liberty, it would be acknowledg'd that he deſtroy'd a Tyrant; if otherwiſe, he muſt expect to hear he had murder'd a King. TIMOLEON taking his leave, with a very ſmall Proviſion for ſo great a Deſign, purſu'd it with a Courage not inferior to, and a Felicity beyond any that had bin known to that day in mortal Fleſh, having in the ſpace of eight years utterly rooted out of all *Sicily* thoſe Weeds of Tyranny, thro the deteſtation wherof men fled in ſuch abundance from their Native Country, that whole Citys were left deſolat; and brought it to ſuch a paſs, that others thro the Fame of his Virtues, and the excellency of the Soil, flock'd as faſt from all quarters to it, as to the Garden of the World: While he, being preſented by the People of *Syracuſa* with his Town-houſe, and his Country Retreat, the ſweeteſt Places in either, liv'd with his Wife and Children a moſt quiet, happy, and holy Life; for he attributed no part of his Succeſs to himſelf, but all to the Bleſſing and Providence of the Gods. As he paſt his time in this manner, admir'd and honour'd by Mankind, LAPHISTIUS an envious Demagog, going to ſummon him upon ſom pretence or other to anſwer for himſelf before the Aſſembly, the People fell into ſuch a Mutiny, as could not be appeas'd but by TIMOLEON, who underſtanding the matter, reprov'd them, by repeating the pains and travel which he had gone thro, to no other end than that every Man might have the free uſe of the Laws. Wherfore when DÆMENETUS another Demagog, had brought the ſame Deſign about again, and blam'd him impertinently to the People for things which he did when he was General, TIMOLEON anſwer'd nothing, but raiſing up his hands, gave the Gods thanks for their return to his frequent Prayers, that he might but live to ſee the *Syracuſians* ſo free, that they could queſtion whom they pleas'd.

NOT long after, being old, thro ſom natural imperfection, he fell blind; but the *Syracuſians* by their perpetual viſits held him, tho he could not ſee, their greateſt Object: if there arriv'd Strangers, they brought him to ſee this ſight. Whatever came in debate at the Aſſembly, if it were of ſmall conſequence, they determin'd it themſelves; but if of importance, they always ſent for TIMOLEON; who being brought by his Servants in a Chair, and ſet in the middle of the Theater, there ever followed a great ſhout, after which ſom time was allow'd for the Benedictions of the People; and then the matter propos'd, when TIMOLEON had ſpoken to it, was put to the Suffrage; which given, his Servants bore him back in his Chair, accompany'd by the People clapping their hands, and making all expreſſions of Joy and Applauſe, till leaving him at his Houſe, they return'd

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turn'd to the diſpatch of their Buſineſs. And this was the Life of TIMOLEON, till he dy'd of Age, and drop'd like a mature Fruit while the Eys of the People were as the Showers of Autumn.

THE Life and Death of my Lord ARCHON (but that he had his Senſes to the laſt, and that his Character, as not the Reſtorer, but the Founder of a Commonwealth, was greater) is ſo exactly the ſame, that (ſeeing by Men wholly ignorant of Antiquity, I am accus'd of writing Romance) I ſhall repeat nothing: but tell you that this year the whole Nation of *Oceana*, even to the Women and Children, were in mourning, where ſo great or ſad a Funeral Pomp had never bin ſeen or known. Somtime after the performance of the Exequys, a *Coloſſus*, mounted on a brazen Horſe of excellent Fabric, was erected in the Piazza of the *Pantheon*, ingrav'd with this Inſcription on the Eaſtern ſide of the Pedeſtal:

HIS

NAME

IS AS

Precious Ointment.

And on the Weſtern with the Following:

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GRATA PATRIA

Piæ & Perpetuæ Memoriæ

D. D.

Olphaus Megaletor

Lord ARCHON, *and ſole* LEGISLATOR

OF

OCEANA.

Pater Patriæ.

Invincible in the Field.
Inviolable in his Faith.
Unfained in his Zeal.
Immortal in his Fame.

The Greateſt of Captains.
The Beſt of Princes.
The Happieſt of Legiſlators.
The Moſt Sincere of Chriſtians.

Who ſetting the Kingdoms of Earth *at Liberty,*
Took the Kingdom of the Heavens *by Violence;*

Anno { Ætat. ſuæ 116.
Hujus Reipub. 50.

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THE

PREROGATIVE

OF

POPULAR GOVERNMENT.

BEING A

POLITICAL DISCOURSE

In Two Books.

The former

Concerning the firſt Preliminary of OCEANA, inlarg'd, interpreted, and vindicated from all ſuch Miſtakes or Slanders as have bin alleg'd againſt it under the Notion of Objections.

The Second

Concerning Ordination, againſt Dr. H. HAMMOND, Dr. L. SEAMAN, and the Authors they follow.

In which two Books is contain'd the whole Commonwealth of the *Hebrews*, or of *Iſrael*, Senat, People, and Magiſtracy, both as it ſtood in the Inſtitution by MOSES, and as it came to be form'd after the Captivity.

As alſo the different Policys introduc'd into the Church of CHRIST, during the time of the Apoſtles.

Without Council Purpoſes are diſappointed; but in the Multitude of Counſillors they are eſtabliſh'd. SOLOMON.

La multitudine è piu Savia è piu coſtante ch'un Principe. MACHIAVEL.

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EPISTLE to the READER.

WHOSOEVER ſheds man's blood, by man ſhall his blood be ſhed, for in the Image of God made he Man. *If this Rule holds as well in ſhedding the blood of a* Turk *as of a* Chriſtian, *then* that wherin Man is the Image of God is REASON. *Of all Controverſys thoſe of the Pen are the moſt honorable: for in thoſe of Force, there is more of the Image of the Beaſt, but in thoſe of the Pen there is more of the Image of God. In the Controverſys of the Sword, there is but too often no other Reaſon than Force; but the Controverſy of the Pen has never any Force but Reaſon. Of all Controverſys of the Pen next thoſe of Religion, thoſe of Government are the moſt honorable, and the moſt uſeful; the true end of each, tho in a different way, being that the Will of God may be* don in Earth as it is in Heaven. *Of all Controverſys of Government, thoſe in the vindication of Popular Government are the moſt noble, as being that Conſtitution alone, from whence all we have that is good is deſcended to us; and which, if it had not exiſted, Mankind at this day had bin but a Herd of Beaſts. The Prerogative of Popular Government muſt either be in an ill hand, or elſe it is a game againſt which there is not a Card in the whole pack; for we have the Books of* MOSES, *thoſe of the* Greecs *and of the* Romans, *not to omit* MACHIAVEL, *all for it. What have the Aſſerters of Monarchy; what can they have againſt us? A Sword; but that ruſts, or muſt have a Scabbard; and the Scabbard of this kind of Sword is a good frame of Government.*

A MAN may be poſſeſt of a piece of Ground by force, but to make uſe or profit of it, he muſt build upon it, and till it by Reaſon; for whatever is not founded upon Reaſon, cannot be permanent. *In Reaſon there are two parts,* Invention *and* Judgment: *As to the latter,* In a multitude *of* Counſillors *(ſay both* SOLOMON *and* MACHIAVEL) there is ſtrength. *Nay as for Judgment, there is not that Order in Art or Nature that can compare with a popular Aſſembly.* THE VOICE OF THE PEOPLE IS THE VOICE OF GOD. *Hence it is that in all well-order'd Policys the People have the ultimat reſult: but unleſs there be ſom other to invent, a Popular Aſſembly can be of no effect at all but Confuſion.* Invention *is a ſolitary thing. All the Phyſicians in the world put together, invented not the Circulation of the Blood, nor can invent any ſuch thing, tho in their own Art; yet this was invented by one alone, and being invented is unanimouſly voted and embrac'd by the generality of Phyſicians. The Plow and Wheels were at firſt, you muſt think, the invention of ſom rare Artiſts; but who or what ſhall ever be able to tear the uſe of them from the People? Hence, where Government is at a loſs, a ſole Legiſlator is of abſolute neceſſity; nay where it is not at a loſs, if well model'd, as in* Venice, *the Propoſers, tho frequently changeable, as in that caſe is neceſſary, are very few, as the* Counſillors, *the* Savi, *the* Provoſts. *Wherever a Commonwealth is thus propos'd to, the Balance or Popular Aſſembly will do her duty to admiration, but till then never. Yet ſo it has bin with us of late years, that altho in Royal Au-*

thority

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thority there was no more than the right of Propoſing, and the King himſelf was to ſtand (legibus & conſuetudinibus quas vulgus elegerit) *to the reſult of the People, yet the Popular Council has bin put upon Invention, and they that have bin the prevailing Party have us'd means to keep the Reſult to themſelves, quite contrary to the nature of Popular Adminiſtration.* Let one ſpeak, and the reſt judg. *Of whatever any one man can ſay or do, Mankind is the natural and competent Judg, in which is contain'd the very reaſon of Parlaments; thro the want of underſtanding this came in confuſion.* Man that is in Honor, and has no underſtanding, is like the Beaſts that Periſh. *Nor can we poſſibly return to Order, but by mending the Hedg where it was broken. A prudent, intire and fit Propoſition made to a free Parlament, recovers all. To them who are of the greateſt Eminency or Authority in a Commonwealth, belongs naturally that Part of Reaſon which is Invention; and uſing this, they are to propoſe: but what did our Grandees ever invent or propoſe, that might ſhew ſo much as that themſelves knew what they would be at? and yet how confidently do they lay the fault upon the People, and their unfitneſs, forſooth, for Government: in which they are wondrous wiſe! For, this I will boldly ſay, Where there was an Ariſtocracy that perform'd their duty, there never was, nor ever can be a People unfit for Government; but on the contrary, where the Ariſtocracy have fail'd, the People being once under Orders, have held very often. But while they are not under Orders, if they fail it is not their fault, but the fault of the Ariſtocracy; for who elſe ſhould model a Government but men of Experience? There is not in* England, *I ſpeak it to their ſhame, one* GRANDEE *that has any perfect knowledge of the Orders of any one Commonwealth that ever was in the World. Away with this ſame grave complexion, this huff of Wiſdom maintain'd by making faces. The People cannot do their duty conſiſting in Judgment, but by virtue of ſuch Orders as may bring them together, and direct them; but the duty of the Ariſtocracy conſiſting in Invention, may be don by any one man, and in his ſtudy; and where is that one man among all the Grandees that ſtudys? They are ſo far from knowing their own duty, that a man for propoſing that in which none can find a flaw, has don enough to be ridiculous to them, who are themſelves ridiculous to the whole World, in that they could never yet propoſe any thing that would hold.*

BUT if this amounts to a Demonſtration, it amounts to a clear detection of your profound Grandees, and a full proof that they are Phanatical Perſons, State Jeſuits, ſuch as have reduc'd the Politics to mental Reſervation and implicit Faith in their nods or nightcaps.

GOD, to propoſe his Commandments to the People of Iſrael, *wrote them on two Tables; the* Decemviri *to propoſe their Commandments to the People of* Rome, *wrote them on twelve Tables; the* Athenians *propos'd in writing, ſign'd with the name of the particular Inventor; after this pattern do the* Venetians, *as was ſaid, the ſame at this day. But no Gooſquil, no Scribling: Your Grandees are above this.*

MOSES, *who was the firſt Writer in this kind, ſhall be pardon'd; but* MACHIAVEL, *the firſt in later times that has reviv'd his Principles, or trod in his ſteps, is deſervedly pelted for it by Sermons. They are not for the Scripture, but the* Cabala.

I WILL tell you a ſtory out of BOCCALINI; APOLLO *having ſpy'd the Philoſopher and great Maſter of Silence* HARPOCRATES *in the Court of* Parnaſſus, *us'd ſuch importunity with him, that for once he was perſuaded to ſpeak; upon which ſuch apparent diſcovery was made*

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made of the Hypocrite, and the groſs ignorance he had ſo long harbor'd under a deceitful ſilence, that he was immediately baniſh'd the Court. Were there cauſe, I could be modeſt; but this Virtue, to the diminution of ſound and wholſom Principles, would be none: wherfore let a Grandee write, and I will ſhew you HARPOCRATES.

THUS having ſufficiently defy'd Sir GUY, *I may with the leſs impeachment of reputation deſcend to* TOM THUM. *Not that I hold my ſelf a fit Perſon to be exercis'd with Boys play, but that ſom, who ſhould have more wit, have ſo little as to think this ſomthing. A good Ratcatcher is not ſo great a bleſſing to any City, as a good Jugglercatcher would be to this Nation. Now becauſe I want an Office, I ſhall ſhew my Parts to my Country, and how fit I am for the white Staff, or long Pole of ſo worſhipful a Preferment.*

Ridiculus ne ſis, eſto.

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THE

FIRST BOOK,

CONTAINING

The firſt Preliminary of OCEANA, inlarg'd, interpreted, and vindicated from all ſuch Miſtakes or Slanders as have bin alleg'd againſt it under the notion of Objections.

Ἐι μὴ κρατίστοις ἤρησας γελοῖος ὢν
Οἰγών σ' ἐμὰς μὲν οὐκ ἄν ποτ' ἐμίανον χείρας.

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A full Answer to all such OBJECTIONS *as have hitherto bin made against* OCEANA.

NEITHER the Author or Authors of the Considerations upon OCEANA, nor any other, have yet so much as once pretended one Contradiction or one Inequality to be in the whole Commonwealth. Now this is certain, *That Frame of Government which is void of any contradiction, or any inequality, is void of all internal causes of Dissolution, and must, for so much as it imbraces, have attain'd to full perfection.* This by wholesale is a full Answer to the Considerations, with all other objections hitherto; and will be (with any man that comprehends the nature of Government) to thousands of such Books, or Myriads of such tittle tattle. Nevertheless, because every man is not provided with a Sum, in the following Discourse I shall comply with them that must have things by Retail, or somwhat for their Farthing.

The

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The PREFACE.

IT is commonly ſaid, and not without incouragement by ſom who think they have Parnaſſus *by the horns*, that the Univerſity has laſh'd me: *ſo it ſeems I have to do with the Univerſity, and laſhing is lawful; with both which I am contented. In* Moorfields, *while the People are buſy at their ſports, they often and ridiculouſly loſe their Buttons, their Ribbands, and their Purſes, where if they light, as ſomtimes they do, upon the Maſters of that Art, they fall a kicking them a while (which one may call a* rude charge) *and then to their work again. I know not whether I invite you to* Moorfields, *but* (difficile eſt Satiram non ſcribere) *all the favor I deſire at your hands is but this, that you would not ſo condemn one man for kicking, as in the ſame Act to pardon another for cutting of Purſes. A Gentleman that commits a fallacious Argument to writing, or gos about to ſatisfy others with ſuch Reaſons as he is not ſatisfy'd with himſelf, is no more a Gentleman but a Pickpocket; with this in my mind, I betake my ſelf to my work, or rather to draw open the Curtain, and begin the Play.*

ONE that has written Conſiderations upon OCEANA, *ſpeaks the Prolog in this manner:* I beſeech you Gentlemen, are not we the Writers of Politics ſomwhat a ridiculous ſort of People? Is it not a fine piece of Folly for private men ſitting in their Cabinets to rack their brains about Models of Government? Certainly our Labors make a very pleaſant recreation for thoſe great Perſonages, who, ſitting at the Helm of Affairs, have by their large Experience not only acquir'd the perfect Art of Ruling, but have attain'd alſo to the comprehenſion of the Nature and Foundation of Government. *In which egregious Complement the Conſiderer has loſt his conſidering Cap.* Epiſt.

IT was in the time of ALEXANDER, *the greateſt Prince and Commander of his age, that* ARISTOTLE, *with ſcarce inferior Applauſe and equal Fame, being a private man, wrote that excellent piece of Prudence in his Cabinet, which is call'd his* Politics, *going upon far other Principles than thoſe of* ALEXANDER's *Government, which it has long outliv'd. The like did* TITUS LIVIUS *in the time of* AUGUSTUS, *Sir* THOMAS MOOR *in the time of* HENRY *the Eighth, and* MACHIAVEL *when* Italy *was under Princes that afforded him not the ear. Theſe Works nevertheleſs are all of the moſt eſteemed and applauded in this kind; nor have I found any man, whoſe like Indeavours have bin perſecuted ſince* PLATO *by* DIONYSIUS. *I ſtudy not without great Examples, nor out of my Calling; either Arms or this Art being the proper Trade of a Gentleman. A man may be intruſted with a ſhip, and a good Pilot too, yet not underſtand how to make Sea-charts. To ſay that a man may not write of Government except he be a Magiſtrat, is as abſurd as to ſay, that a man may not make a Sea-chart, unleſs he be a Pilot. It is known that* CHRISTOPHER COLUMBUS *made a Chart in his Cabinet, that found out the* Indys. *The Magiſtrat that was good at his ſteerage never took it ill of him that brought him a Chart, ſeeing whether he would uſe it or no, was at his own choice; and if Flatterers, being the worſt ſort of Crows, did not pick out the eys of the living, the Ship of Government at this day*

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throout Chriſtendom had not ſtruck ſo often as ſhe has don. To treat of Affairs, ſays MACHIAVEL, which as to the conduct of 'em appertain to others, may be thought a great boldneſs; but if I commit Errors in writing, theſe may be known without danger, wheras if they commit Errors in acting, ſuch com not otherwiſe to be known, than in the ruin of the Commonwealth. *For which cauſe I preſume to open the Scene of my Diſcourſe, which is to change according to the variety of theſe following Queſtions.*

Arte della Guer. Proem.

1. WHETHER Prudence will be well diſtinguiſh'd into Antient and Modern?

2. WHETHER a Commonwealth be rightly defin'd to be a Government of Laws, and not of Men: and Monarchy to be a Government of ſom Man, or a few Men, and not of Laws?

3. WHETHER the Balance of Dominion in Land be the natural cauſe of Empire?

4. WHETHER the Balance of Empire be well divided into National and Provincial? and whether theſe two, or any Nations that are of diſtinct Balance, coming to depend upon one and the ſame head, ſuch a mixture creates a new Balance?

5. WHETHER there be any common Right or Intereſt, of Mankind diſtinct from the parts taken ſeverally? and how by the Orders of a Commonwealth this may beſt be diſtinguiſh'd from privat Intereſt?

6. WHETHER the *Senatuſconſulta*, or Decrees of the *Roman* Senat, had the power of Laws?

7. WHETHER the ten Commandments propos'd by GOD or MOSES were voted by the People of *Iſrael?*

8. WHETHER a Commonwealth coming up to the perfection of the kind, coms not up to the perfection of Government, and has no flaw in it?

9. WHETHER Monarchy, coming up to the perfection of the kind, coms not ſhort of the perfection of Government, and has not ſom flaw in it? in which is alſo treated of the Balance of *France*, of the Original of a landed Clergy, of Arms, and their kinds.

10. WHETHER a Commonwealth that was not firſt broken by it ſelf was ever conquer'd by any Monarch?

11. WHETHER there be not an Agrarian, or ſom Law or Laws of that nature to ſupply the defect of it, in every Commonwealth? and whether the Agrarian, as it is ſtated in *Oceana*, be not equal and ſatisfactory to all Intereſts or Partys?

12. WHETHER Courſes or a Rotation be neceſſary to a well-order'd Commonwealth? In which is contain'd the *Parembole* or Courſes of *Iſrael* before the Captivity; together with an Epitome of the whole Commonwealth of *Athens*, as alſo another of the Commonwealth of *Venice*.

Antient

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Antient and Modern Prudence.

CHAP. I.

Whether Prudence be well diſtinguiſh'd into Antient and Modern.

THE Conſiderer (where by Antient Prudence I underſtand the Policy of a Commonwealth, and by modern Prudence that of King, Lords, and Commons, which introduc'd by the *Goths* and *Vandals* upon the ruin of the *Roman* Empire, has ſince reign'd in theſe Weſtern Countrys, till by the predominating of ſom one of the three parts, it be now almoſt univerſally extinguiſh'd) thinks it enough for the confutation of this diſtinction, to ſhew out of THUCYDIDES that of Monarchy to be a more antient Policy than that of a Commonwealth. Upon which occaſion, I muſt begin here to diſcover that which, the further I go, will be the more manifeſt; namely, that there is a difference between quoting Authors, and ſaying ſome part of them without book: this may be don by their words, but the former no otherwiſe than by keeping to their ſenſe. Now the ſenſe of THUCYDIDES, as he is tranſlated by Mr. HOBBS in the place alleg'd, is thus: *The manner*, ſays he, Thu. B. 1. P. 4. 5. 6. 7. 8. 9. *of living in the moſt antient times of* Greece *was Thieving; the ſtronger going abroad under the conduct of their moſt puiſſant Men, both to inrich themſelves, and fetch home maintenance for the weak:* for there was neither Traffic, property of Lands, nor conſtant Abode, till MINOS *built a Navy, and expelling the Malefactors out of the Iſlands, planted Colonys of his own, by which means they who inhaited the Seacoaſts, becoming more addicted to Riches, grew more conſtant to their dwellings: of whom ſom, grown now rich, compaſs'd their Towns about with Walls. For out of a deſire of Gain, the meaner ſort underwent Servitude with the Mighty; and the Mighty* (thus overbalancing at home) *with their Wealth, brought the leſſer Citys* (abroad) *into ſubjection.* Thus PELOPS, *tho he was a ſtranger, obtain'd ſuch Power in* Peloponneſus, *that the Country was call'd after his name.* Thus ATREUS *obtain'd the Kingdom of* Mycenæ; and thus *Kingdoms with Honors limited came to be hereditary*; and riſing to Power, proceeded afterwards to the War againſt *Troy.* After the War with *Troy, tho with much ado, and in a long time* Greece *had conſtant reſt* (and Land without doubt came to property) *for ſhifting their ſeats no longer, at length they ſent Colonys abroad*; *the* Athenians *into* Ionia *with the Iſlands, the* Peloponneſians *into* Italy, Sicily, *and other parts. The Power of Greece thus improv'd, and the deſire of Mony withal, their Revenues* (in what? not in Mony, if yet there was no Uſury: therfore except a man can ſhew that there was Uſury in Land) *being inlarg'd, in moſt of the Citys there were erected Tyrannys.* Let us lay this place to the former, when *out of a deſire of Gain the meaner Sort underwent Servitude with the Mighty*, it caus'd *hereditary Kingdoms with Honors limited*, as happen'd alſo with us ſince the time of the *Goths* and *Vandals.* But when the People came to Property in Land, and their *Revenues were inlarg'd*, ſuch as aſſum'd Power over them,

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Book I. them, not according to the nature of their Property or Balance, were Tyrants: well, and what remedy? why, *then it was*, says the Considerer, *that the* Grecians *out of an extreme aversion to that which was*
Consid. *p.* 4. *the cause of their present Sufferings slipt into Popular Government, not that upon calm and mature Debates they found it best, but that they might put themselves at the greatest distance (which Spirit usually accompanys all Reformations) from that with which they were grown into dislike.* Wherby he agrees exactly with his Author in making out the true Force and Nature of the Balance, working even without deliberation, and whether men will or no. For the Government that is natural and easy, being in no other direction than that of the respective Balance, is not of choice but of necessity. The Policy of King, Lords and Commons, was not so much from the Prudence of our Ancestors, as from their necessity. If three hundred men held at this day the like overbalance to the whole People, it was not in the power of Prudence to institute any other than the same kind of Government, thro the same necessity. Thus the meaner sort with THUCYDIDES *submitting to the Mighty*, it came to *Kingdoms with hereditary Honors:* but the People coming to be wealthy, call'd their Kings, tho they knew not why, *Tyrants*; nay, and using them accordingly, found out means, with as little deliberation it may be as a Bull takes to toss a Dog, or a Hern to split a Hawk (that is, rather, as at the long-run they will ever do in the like cases, by Instinct, than Prudence or Debate) to throw down that, which by the mere information of sense they could no longer bear; and which being thrown down, they found themselves eas'd. But the question yet remains, and that is, forsooth, whether of these is to be call'd *Antient Prudence*. To this end, never man made a more unlucky choice than the Considerer has don for himself of this Author, who in the very beginning of his Book, speaking of the *Peloponnesian* War, or that between the Commonwealths of *Athens* and *Lacedemon*, says, that *the Actions which preceded this, and those again that were more antient, tho the truth of them thro length of time cannot by any means be clearly discover'd; yet for any Argument that (looking into times far past) he had yet lighted on to persuade him, he dos not think they have bin very great either for matter of War, or otherwise*; that is, for matter of Peace or Government. And lest this should not be plain enough, he calls the Prudence of the
Mr. Hobbs *in the* Magire. three Periods, observ'd by Mr. HOBBS, *viz.* that from the beginning of the *Grecian* Memory to the *Trojan* War, that of the *Trojan* War it self, and that from thence to the present Commonwealths and Wars,
Thu. B. 1. p. 3. wherof he treats, *The Imbecillity of antient Times*. Wherfore certainly this Prevaricator, to give him his own fees, has *less discretion than a*
Consid. *p.* 34. *common Attorny, who will be sure to examin only those Witnesses that seem to make for the Cause in which he is entertain'd.* Seeing that which he affirms to be antient Prudence is depos'd by his own witness to have bin *the Imbecillity of antient Times*, for which I could have so many more than I have leisure to examin, that, (to take only of the most Authentic) as you have heard one *Greec*, I shall add no more than one *Roman*, and that is FLORUS in his Prolog, where (computing the ages of the *Romans*, in the same manner as THUCYDIDES did those of the *Greecs*) he affirms *the time while he liv'd under their Kings, to have bin their Infancy; that from the Consuls till they conquer'd* Italy, *their Youth; that from hence to their Emperors, their manly age;*

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and the reſt (with a Complement or SALVO to TRAJAN his preſent Lord) *their Dotage.* Chap. I.

THESE things, tho *originally all Government amongſt the* Greecs *and the* Romans *was Regal*, are no more than *they who have not yet paſt their Novitiat in ſtory, might have known.* Yet ſays the Conſiderer, *It ſeems to be a defect of experience to think that the* Greec *and the* Roman *Actions are only conſiderable in Antiquity.* But is it ſuch a defect of Experience to think them only conſiderable, as not to think them chiefly conſiderable in Antiquity, or that the name of Antient Prudence dos not belong to that Prudence which was chiefeſt in Antiquity? *True*, ſays he, *it is very frequent with ſuch as have bin converſant with* Greec *and* Roman *Authors, to be led by them into a belief that the reſt of the World was a rude inconſiderable People, and, which is a term they very much delight in, altogether Barbarous.* This ſhould be ſom fine Gentleman that would have Univerſitys pull'd down; for the Office of a Univerſity is no more than to preſerve ſo much of Antiquity as may keep a Nation from ſtinking, or being barbarous; which Salt grew not in Monarchys, but in Commonwealths: or whence has the Chriſtian World that Religion and thoſe Laws which are now common, but from the *Hebrews* and *Romans?* or from whence have we Arts but from theſe or the *Greecs?* That we have a Doctor of Divinity, or a Maſter of Arts, we may thank Popular Government; or with what Languages, with what things are Scholars converſant that are otherwiſe deſcended? will they ſo plead their own Cauſe as to tell us it is poſſible there ſhould be a nation at this day in the world without Univerſitys, or Univerſitys without *Hebrew*, *Greec* and *Latin*, and not be Barbarous, that is to ſay, rude, unlearn'd, and inconſiderable? Yes, *this humour even among the* Greecs *and* Romans *themſelves was a ſervil addiction to narrow Principles, and a piece of very pedantical Pride.* What, man! the *Greecs* and the *Romans* that of all other would not ſerve, ſervil! their Principles, their Learning, with whoſe ſcraps we ſet up for Batchelors, Maſters, and Doctors of fine things, narrow! their inimitable Eloquence a piece of very pedantical Pride! The World can never make ſenſe of this any otherwiſe than that ſince Heads and Fellows of Colleges became the only *Greecs* and *Romans*, the *Greecs* and *Romans* are become ſervily addicted, of narrow Principles, very Pedants, and prouder of thoſe things they do not underſtand, than the other were of thoſe they did: For, ſay they, *in this Queſtion, the Examples of the* Babylonians, Perſians *and* Egyptians (not to omit the antient and like modern Diſcoverys of the Queen of the *Amazons*, and of the King of *China*) *cannot without groſs partiality be neglected.* This is pretty; they who ſay nothing at all to the Policy of theſe Governments, accuſe me, who have fully open'd it, of negligence. The *Babylonian*, *Perſian*, and, for ought appears to the contrary, the *Chineſe* Policy, is ſumm'd up, and far excell'd by that at this day of *Turky*; and in opening this latter, I have open'd them all, ſo far from neglect, that I every where give the *Turc* his due, whoſe Policy I aſſert to be the beſt of this kind, tho not of the beſt kind. But they will bear me down, and but with one Argument, which I beſeech you mark, that it is abſolutely of the beſt kind; for ſay they, *it is of a more abſolute form* (has more of the Man and leſs of the Law in it) *than is to be met with in any Kingdom of* Europe.

Conſid. *p.* 2, 3.

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Book I. I AM amaz'd! This is that kind of Government which to hold Barbarous, was in the *Greecs* and *Romans Pedantical Pride, but would be in us, who have not the ſame Temtation of Intereſt, downright Folly.* The Intereſt of a People is not their Guide but their Temtation! We that hold our Land divided among us, have not the ſame Temtation of Intereſt that had the ſervil *Hebrews*, *Greecs* and *Romans*; but the ſame that had the free People of *Babylon*, *Perſia* and *Egypt*, where not the People but the Prince was ſole Landlord! O the Arts in which theſe men are Maſters! To follow the pedantical Pride of MOSES, LYCURGUS, SOLON, ROMULUS, were with us downright Folly; but to follow humble and learned MAHOMET or OTTOMAN, in whoſe only Model the Perfection of the *Babylonian*, *Perſian*, *Egyptian* Policy is conſummated, is Antient Prudence! Exquiſit Politicians! egregious Divines, for the leading of a People into *Egypt* or *Babylon!* Theſe things conſider'd, whether Antient Prudence, as I have ſtated it be downright Folly, or as they have ſtated it, be not downright Knavery, I appeal to any Court of Claims in the world, where the Judges, I mean, have not more in their Caps than in their Heads, and in their Sleeves than the Scarlet. And wheras Men love compendious works, if I gain my Cauſe, the Reader, for an anſwer to the *Oxford* Book, needs look no further than this Chapter. For if Riches and Freedom be the end of Government; and theſe Men propoſe nothing but Slavery, Beggery, and Turciſm, what need more words?

CHAP. II.

Whether a Commonwealth be rightly defin'd to be a Government of Laws and not of Men, and a Monarchy to be the Government of ſom Man, or a few Men, and not of Laws?

THAT part of the Preliminarys which the Prevaricator, as is uſual with him, recites in this place falſly and fraudulently, is thus: Relation had to theſe two times (that of Antient and that of Modern Prudence) the one, as is computed by JANOTTI, ending with the Liberty of *Rome*, the other beginning with the Arms of CÆSAR (which extinguiſhing Liberty, became the Tranſlation of Antient into Modern Prudence, introduc'd in the Ruin of the *Roman* Empire by the *Goths* and *Vandals*) *GOVERNMENT* (*to define it* de jure, or according to Antient Prudence) *is an Art wherby a civil Society of Men is inſtituted and preſerv'd, upon the Foundation of Common Right or Intereſt; or (to follow* ARISTOTLE *and* LIVY*) it is an Empire of Laws, and not of Men.*

AND Government, to define it de facto, or according to Modern Prudence, *is an Art wherby ſom Man, or ſom few Men, ſubject a City, or a Nation, and rule it according to his or their privat Intereſt; which, becauſe Laws in ſuch caſes are made according to the Intereſt of a Man, or ſom few Familys, may be ſaid to be an Empire of Men, and not of Laws.*

HEREBY it is plain, whether in an Empire of Laws, and not of Men, as a Commonwealth; or in an Empire of Men, and not of Laws, as Monarchy: Firſt, That Law muſt equally procede from Will,

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Will, that is either from the Will of the whole People, as in a Commonwealth ; from the Will of one Man, as in an Abſolute, or from the Will of a few Men, as in a regulated Monarchy. Chap. 2.

SECONDLY, That Will, whether of one or more, or all, is not preſum'd to be, much leſs to act without a Mover.

THIRDLY, That the Mover of the Will is Intereſt.

FOURTHLY, That Intereſts alſo being of one, or more, or of all; thoſe of one Man, or of a few Men, where Laws are made accordingly, being more privat than coms duly up to the Law, the nature wherof lys not in Partiality but in Juſtice, may be call'd the Empire of Men, and not of Laws : and that of the whole People coming up to the Public Intereſt (which is no other than common Right and Juſtice, excluding all Partiality or privat Intereſt) may be call'd the Empire of Laws, and not of Men. By all which put together, wheras it is demonſtrable that in this diviſion of Government I do not ſtay at the Will, which muſt have ſom Motive or Mover, but go to *the firſt and remoteſt Notion of Government, in the Foundation and Origination of it, in which lys the Credit of this Diviſion, and the Definition of the ſeveral Members*, that is to ſay, of Intereſt, whether privat or public; the Prevaricator tells me, That this *diviſion of Government having* (he knows not how) *loſt its Credit, the definitions of the ſeveral Members of it need not be conſider'd further, than that they com not at all up to the firſt and remoteſt Notion of Government in the Foundation and Origination of it, in which lys all the difficulty; and being here neglected, there is little hope the ſubſequent Diſcourſe can have in it the light of probable Satisfaction, much leſs the Force of infallible Demonſtration.* Conſid. *p.* 6.

VERY good! Intereſt it ſhould ſeem then is not the *firſt and remoteſt Notion of Government*, but that which he will outthrow; and at this caſt, by ſaying, *that the Declaration of the Will of the Soverain Power is call'd Law : which if it outlives the Perſon whoſe Will it was, it is only becauſe the Perſons who ſuccede in Power are preſum'd to have the ſame Will, unleſs they manifeſt the contrary, and that is the Abrogation of the Law; ſo that ſtill the Government is not in the Law, but in the Perſon whoſe Will gave a being to that Law.* I might as well ſay, the Declaration to all men by theſe preſents that a man ows mony is call'd a Bond ; which if it outlives the Perſon that enter'd into that Bond, it is only becauſe the Perſons that ſuccede him in his Eſtate, are preſum'd to have the ſame Will, unleſs they manifeſt the contrary, and that is the abrogation or cancelling of the Bond ; ſo that ſtill the debt is not in the Bond, but in his Will who gave a being to that Bond. If it be alleg'd againſt this example, that it is a privat one, the caſe may be put between ſeveral Princes, States or Governments, or between ſeveral States of the ſame Principality or Government, whether it be a Regulated Monarchy or a Commonwealth ; for in the like Obligation of the States (as of the King, the Lords, and Commons) or Partys agreeing, *Authoritate Patrum & juſſu Populi*, till the Partys that ſo agreed to the Obligation, ſhall agree to repeal or cancel it, lys all Law that is not merely in the Will of one Man, or of one State, or Party, as the Oligarchy. But not to diſpute theſe things further in this Place, let the Government be what it will, for the Prevaricator to fetch the Origination of Law no further than the Will (while he knows very well that I fetch'd it from Intereſt, the Antecedent of Will) and yet Conſid *p* 8,

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Book I. to boaſt that he has outthrown me, I ſay he is neither an *honeſt Man, nor a good Bowler*. No matter, he will be a better Gunner; for where I ſaid that the Magiſtrat upon the Bench is that to the Law, which a Gunner upon his Platform is to his Cannon, he gos about to take better aim, and ſays, *If the Proportion of things be accurately conſider'd, it will appear that the laden Cannon anſwers not to the Laws, but to the Power of the Perſon whoſe Will created thoſe Laws:* Which if ſom of them that the Power of the Perſon whoſe Will created them, intended ſhould be of as good Stuff or Carriage as the reſt, do nevertheleſs according to the nature of their Matter or of their Charge, com ſhort or over, and others break or recoil; ſure this Report of the Prevaricator is not according to the bore of my Gun, but according to the bore of ſuch a Gunner. Yet again, if he be not ſo good a Gunner, he will be a better Anatomiſt: for wheras I affirm, that to ſay, ARISTOTLE and CICERO wrote not the Rights or Rules of their Politics from the Principles of Nature, but tranſcrib'd them into their Books out of the practice of their own Commonwealths, is as if a man ſhould ſay of famous HARVEY, that he tranſcrib'd his Circulation of the Blood, not out of the Principles of Nature, but out of the Anatomy of this or that Body: He anſwers, that *the whole force of this Objection amounts but to this, that becauſe* HARVEY *in his Circulation has follow'd the Principles of Nature, therfore* ARISTOTLE *and* CICERO *have don ſo in their Diſcourſes of Government.*

PRETTY! It is ſaid in Scripture, *Thy Word is ſweet as Hony:* Amounts that but to this, Becauſe Hony is ſweet, therfore the Word of God is ſweet? To ſay that my Lord Protector has not conquer'd many Nations, were as if one ſhould ſay, CÆSAR had not conquer'd many Nations: Amounts that but to this, that becauſe CÆSAR conquer'd many Nations, therfore my Lord Protector has conquer'd many Nations? What I produce as a Similitude, he calls an Objection; where I ſay, *as*, he ſays, *becauſe:* what ingenious man dos not deteſt ſuch a cheat! A Similitude is brought to ſhew how a thing is or may be, not to prove that it is ſo; it is us'd for Illuſtration, not as an Argument: The Candle I held did not ſet up the Poſt, but ſhew where the Poſt was ſet, and yet this blind Buzzard has run his head againſt it. Nor has he yet enough; if he be not the better Naturaliſt, he will be the better Divine, tho he ſhould make the worſe Sermon. My Doctrin and Uſe upon that of SOLOMON, *I have ſeen Servants upon Horſes, and Princes walking as Servants upon the Ground*, diſcovers the true means wherby the Principles of Power and Authority, the Goods of the Mind and of Fortune, may ſo meet and twine in the Wreath or Crown of Empire, that the Government ſtanding upon Earth like a holy Altar, and breathing perpetual Incenſe to Heaven in Juſtice and Piety, may be ſomthing, as it were between Heaven and Earth; while that only which is propos'd by the beſt, and reſolv'd by the moſt, becoms Law, and ſo the whole Government an Empire of Laws, and not of Men. This he ſays is a *goodly Sermon*; it is honeſt, and ſenſe. But let any man make ſenſe or ho-

Conſid. *p.* 7. neſty of this Doctrin, which is his own; *To ſay that Laws do or can govern, is to amuſe ourſelves with a Form of Speech, as when we ſay Time, or Age, or Death, dos ſuch a thing; to which indeed the Phanſy of Poets, and Superſtition of Women, may adapt a Perſon, and give a Power of Action; but wiſe men know they are only Expreſſions*

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preſſions of ſuch Actions or Qualifications as belong to Things or Perſons. Chap. 3.

SPEAK out; Is it the Word of God, or the Knavery and Nonſenſe of ſuch Preachers that ought to govern? Are we to hearken to that of the *Talmud*, *There is more in the word of a Scribe, than in the words of the Law*; or that which Chriſt therupon ſays to the Phariſees, *You have made the Word of God of no effect by your Traditions?* Mat. 15. 6. Say, is the Commonwealth to be govern'd in the Word of a Prieſt or a Phariſee, or by the Vote of the People, and the Intereſt of Mankind?

CHAP. III.

Whether the Balance of Dominion in Land be the natural Cauſe of Empire?

THE Doctrin of the Balance is that, tho he ſtrains at it, which choaks the Prevaricator; for this of all others is that Principle which makes the Politics, not ſo before the invention of the ſame, to be undeniable throout, and (not to meddle with the Mathematics, an Art I underſtand as little as Mathematicians do this) the moſt demonſtrable of any whatſoever.

FOR this cauſe I ſhall rather take pleaſure than pains to look back, or tread the ſame path with other, and perhaps plainer ſteps: as thus; If a man having one hundred pounds a year may keep one Servant, or have one man at his command, then having one hundred times ſo much, he may keep one hundred Servants; and this multiply'd by a thouſand, he may have one hundred thouſand men at his command. Now that the ſingle Perſon, or Nobility of any Country in *Europe*, that had but half ſo many men at command, would be King or Prince, is that which I think no man will doubt. But * *no Mony, no Switzers*, as the *French* ſpeak: If the Mony be flown, ſo are the Men alſo. Tho Riches in general have Wings, and be apt to bate; yet thoſe in Land are the moſt hooded, and ty'd to the Perch, wheras thoſe in Mony have the leaſt hold, and are the ſwifteſt of flight. A Bank where the Mony takes not wing, but to come home ſeiz'd, or like a Coyduck, may well be great; but the Treaſure of the *Indys* going out, and not upon returns, makes no Bank. Whence a Bank never paid an Army; or paying an Army, ſoon became no Bank. But where a Prince or a Nobility has an Eſtate in Land, the Revenue wherof will defray this Charge, there their Men are planted, have Toes that are Roots, and Arms that bring forth what Fruit you pleaſe.

THUS a ſingle Perſon is made, or a Nobility makes a King, not with difficulty, or any great prudence, but with eaſe, the reſt coming home, as the *Ox that only knows his Maſter's Crib*, but muſt ſtarve or repair to it. Nor for the ſame reaſon is Government acquir'd with more eaſe than it is preſerv'd; that is, if the Foundation of Property

* Point de Argent, point de Suiſſe.

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Book I. be in Land: but if in Mony, *lightly com, lightly go.* The reason why a ſingle Perſon, or the Nobility that has one hundred thouſand men, or half ſo many at command, will have the Government, is that the Eſtate in Land, wherby they are able to maintain ſo many, in any *European* Territory, muſt overbalance the reſt that remains to the People, at leaſt three parts in four, by which means they are no more able to diſpute the Government with him or them, than your Servant is with you. Now for the ſame reaſon, if the People hold three parts in four of the Territory, it is plain there can neither be any ſingle Perſon nor Nobility able to diſpute the Government with them; in this caſe therfore, except Force be interpos'd, they govern themſelves. So by this Computation of the Balance of Property or Dominion in the Land, you have according to the threefold Foundation of Property, the Root or Generation of the threefold kind of Government or Empire.

Oceana, *p* 39. IF one man be ſole Landlord of a Territory, or overbalance the whole People, three parts in four, or therabouts, he is Grand Signior; for ſo the *Turc*, not from his Empire, but his Property is call'd; and the Empire in this caſe is abſolute Monarchy.

IF the Few, or a Nobility, or a Nobility with a Clergy, be Landlords to ſuch a proportion as overbalances the People in the like manner, they may make whom they pleaſe King; or if they be not pleas'd with their King, down with him and ſet up whom they like better; a HENRY the Fourth, or the Seventh, a GUISE, a MONTFORT, a NEVIL, or a PORTER, ſhould they find that beſt for their own ends and purpoſes: For as not the Balance of the King, but that of the Nobility in this caſe is the cauſe of the Government, ſo not the Eſtate or Riches of the Prince or Captain, but his Virtue or Ability, or fitneſs for the ends of the Nobility, acquires that Command or Office. This for Ariſtocracy, or mix'd Monarchy. But if the whole People be Landlords, or hold the Land ſo divided among them, that no one man or number of men within the compaſs of the Few, or Ariſtocracy overbalance them, it is a Commonwealth. Such is the Branch in the Root, or the Balance of Property naturally producing Empire; which not confuted, no man ſhall be able to batter my Superſtructures, and which confuted, I lay down my Arms. Till then, if the cauſe neceſſarily precede the effect, Property muſt have a being before Empire, or beginning with it, muſt be ſtill firſt in order.

PROPERTY coms to have a being before Empire or Government two ways, either by a natural or violent Revolution. Natural Revolution happens from within, or by Commerce, as when a Government erected upon one Balance, that for example of a Nobility or a Clergy, thro the Decay of their Eſtates coms to alter to another Balance; which alteration in the Root of Property, leaves all to confuſion, or produces a new Branch or Government, according to the kind or nature of the Root. Violent Revolution happens from without, or by Arms, as when upon Conqueſt there follows Confiſcation. Confiſcation again is of three kinds, when the Captain taking all to himſelf, plants his Army by way of military Colonys, Benefices, or Timars, which was the Policy of MAHOMET; or when the Captain has ſom Shares, or a Nobility that divides with him, which was the Policy introduc'd by the *Goths* and *Vandals*; or when the Captain divides the Inheritance by Lots, or otherwiſe, to the whole People; which

which Policy was inſtituted by GOD or MOSES in the Common-wealth of *Iſrael*. This triple diſtribution, whether from natural or violent Revolution, returns as to the generation of Empire to the ſame thing, that is to the nature of the Balance already ſtated and demonſtrated. Now let us ſee what the Prevaricator will ſay, which firſt is this. Chap. 3.

THE Aſſertion, that Property producing Empire conſiſts only in Land appears too poſitive. A Pig of my own Sow; this is no more than I told him, only there is more imply'd in what I told him, than he will ſee; which therfore I ſhall now further explain. The balance in Mony may be as good or better than that of Land in three caſes. Firſt, where there is no Property of Land yet introduc'd, as in *Greece* during the time of her antient Imbecillity; whence, as is noted by THUCYDIDES, *the meaner ſort thro a deſire of Gain underwent the Servitude of the Mighty*. Secondly, in Citys of ſmall Territory and great Trade, as *Holland* and *Genoa*, the Land not being able to feed the People, who muſt live upon Traffic, is overbalanc'd by the means of that Traffic, which is Mony. Thirdly, in a narrow Country, where the Lots are at a low ſcantling, as among the *Iſraelits*, if care be not had of Mony in the regulation of the ſame, it will eat out the balance of Land. For which cauſe tho an *Iſraelit* might both have Mony, and put it to Uſury *(Thou ſhalt lend* [upon uſury] *to many Nations)* yet might he not lend it upon Uſury to a Citizen or Brother: whence two things are manifeſt: Firſt, that Uſury in itſelf is not unlawful: And next, that Uſury in *Iſrael* was no otherwiſe forbidden, than as it might com to overthrow the Balance or Foundation of the Government: for where a Lot as to the general amounted not perhaps to four Acres, a man that ſhould have had a thouſand Pounds in his Purſe, would not have regarded ſuch a Lot in compariſon of his Mony; and he that ſhould have bin half ſo much in debt, would have bin quite eaten out. Uſury is of ſuch a nature, as, not forbidden in the like caſes, muſt devour the Government. The *Roman* People, while their Territory was no bigger, and their Lots, which exceeded not two Acres a man, were yet ſcantier, were ſtead alive with it; and if they had not help'd themſelves by their Tumults, and the Inſtitution of their Tribuns, it had totally ruin'd both them and their Government. In a Commonwealth, whoſe Territory is very ſmall, the Balance of the Government being laid upon the Land, as in *Lacedemon*, it will not be ſufficient to forbid Uſury, but Mony itſelf muſt be forbidden. Whence LYCURGUS allow'd of none, or of ſuch only as being of old, or otherwiſe uſeleſs Iron, was little better, or if you will, little worſe than none. The Prudence of which Law appear'd in the neglect of it, as when LYSANDER, General for the *Lacedemonians* in the *Peloponneſian* War, having taken *Athens*, and brought home the ſpoil of it, occaſion'd the Ruin of that Commonwealth in her Victory. The Land of *Canaan* compar'd with *Spain* or *England*, was at the moſt but a *Yorkſhire*, and *Laconia* was leſs than *Canaan*. Now if we imagin *Yorkſhire* divided, as was *Canaan*, into ſix hundred thouſand Lots, or as was *Laconia*, into thirty thouſand; a *Yorkſhire* man having one thouſand Pounds in his Purſe, would, I believe, have a better Eſtate in Mony than in Land; wherfore in this caſe, to make the Land hold the Balance, there is no way but either that of *Iſrael* by forbidding Uſury, or that of *Lacedemon* by forbidding Mony. Where a ſmall Sum may com to over-

Conſid. *p.* 14.

Deut. 15. 6. & 23. 19.

Book I. overbalance a man's Eſtate in Land, there I ſay Uſury or Mony ſo the preſervation of the Balance in Land, muſt of neceſſity be forbidden, or the Government will rather reſt upon the Balance of Mony, than upon that of Land, as in *Holland* and *Genoa*. But in a Territory of ſuch extent as *Spain*, or *England*, the Land being not to be overbalanc'd by Mony, there needs no forbidding of Mony or Uſury. In *Lacedemon* Merchandize was forbidden, in *Iſrael* and *Rome* it was not exercis'd; wherfore to theſe Uſury muſt have bin the more deſtructive: but in a Country where Merchandize is exercis'd, it is ſo far from being deſtructive, that it is neceſſary; elſe that which might be of profit to the Commonwealth would ruſt unprofitably in private purſes, there being no man that will venture his Mony but thro hope of ſom Gain; which if it be ſo regulated that the Borrower may gain more by it than the Lender, as at four in the hundred, or therabouts, Uſury becoms a mighty Profit to the Public, and a Charity to privat men; in which ſenſe we may not be perſuaded by them that do not obſerve theſe different cauſes, that it is againſt Scripture. Had Uſury to a Brother bin permitted in *Iſrael*, that Government had bin overthrown: but that ſuch a Territory as *England* or *Spain* cannot be overbalanc'd by Mony, whether it be a ſcarce or plentiful Commodity, whether it be accumulated by Parſimony as in the purſe of HENRY the *7th*, or preſented by Fortune, as in the Revenue of the *Indys*, is ſufficiently demonſtated, or ſhall be.

FIRST, by an Argument *ad hominem*, one good enough for the
Conſd. *p.* 12. Prevaricator, who argues thus; *The Wiſdom or the Riches of another man can never give him a Title to my Obedience, nor oblige Mr.* HARRINGTON *to give his Clothes or Mony to the next man he meets, wiſer or richer than himſelf.*

IF he had ſaid ſtronger, he had ſpoil'd all; for the parting with a man's Clothes or Mony in that caſe, cannot be help'd: now the richer, as to the caſe in debate, is the ſtronger, that is, the advantage of Strength remains to the Balance. But well; he preſumes me to have Clothes and Mony of my own, let him put the ſame caſe in the People, or the ſimilitude does not hold. But if the People have Clothes and Mony of their own, theſe muſt either riſe (for the bulk) out of Property in Land, or at leaſt out of the cultivation of the Land, or the Revenue of Induſtry; which if it be dependent, they muſt give ſuch a part of their Clothes and Mony to preſerve that dependence out of which the reſt ariſes to him or them on whom they depend, as he or they ſhall think fit, or parting with nothing to this end, muſt loſe all; that is, if they be Tenants, they muſt pay their Rent, or turn out. So if they have Clothes or Mony dependently, the Balance of Land is in the Landlord or Landlords of the People: but if they have Clothes and Mony independently, then the Balance of Land muſt of neceſſity be in the People themſelves, in which caſe they neither would, if there were any ſuch, nor can, becauſe there be no ſuch, give their Mony or Clothes to ſuch as are wiſer, or richer, or ſtronger than themſelves. So it is not a man's Clothes and Mony or Riches, that oblige him to acknowledge the Title of his Obedience to him that is wiſer or richer, but a man's no Clothes or Mony, or his Poverty, with which, if the Prevaricator ſhould come to want, he could not ſo finely prevaricat but he muſt ſerve ſom body, ſo he were rich, no matter if leſs wiſe than himſelf. Wherfore ſeeing the People cannot be ſaid to have

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have Clothes and Mony of their own without the balance in Land, and having the balance in Land, will never give their Clothes, or Mony, or Obedience to a ſingle Perſon, or a Nobility, tho theſe ſhould be the richer in Mony; the Prevaricator by his own Argument has evinc'd that in ſuch a Territory as *England* or *Spain*, Mony can never com to overbalance Land. Chap. 3.

FOR a ſecond demonſtration of this Truth, HENRY the Seventh, tho he miſs'd of the *Indys*, in which for my part I think him happy, was the richeſt in Mony of *Engliſh* Princes. Nevertheleſs this acceſſion of Revenue did not at all preponderat on the King's part, nor change the balance. But while making Farms of a Standard he increas'd the Yeomanry, and cutting off Retainers he abas'd the Nobility, began that Breach in the balance of Land, which proceding has ruin'd the Nobility, and in them that Government.

FOR a third, the Monarchy of *Spain* ſince the *Silver of* Potoſi *ſail'd up the* Guadalquivir, which in *Engliſh* is, ſince that King had the *Indys*, ſtands upon the ſame balance in the Lands of the Nobility on which it always ſtood.

AND ſo the learned Concluſion of the Prevaricator (*That it is not to be doubted but a Revenue ſufficient to maintain a Force able* [to cry ware horns] *or beat down all oppoſition, dos equally conduce to Empire, whether it ariſes from Rents, Lands, Profits of ready Mony, Dutys, Cuſtoms*, &c.) aſks you no more than where you ſaw her Premiſes. For unleſs they aſcended his *Monti*, and his Banks, it is not to be imagin'd which way they went; and with theſe, becauſe he is a profeſt Zealot for Monarchy, I would wiſh him by no means to be montebanking or meddling: for the Purſe of a Prince never yet made a Bank, nor, till ſpending and trading Mony be all one, ever ſhall. The *Genoeſe*, which the King of *Spain* could never do with the *Indys*, can make you a Bank out of Letters of Exchange, and the *Hollander* with Herrings. Let him com no more here: where there is a Bank, ten to one there is a Commonwealth. A King is a Soldier, or a Lover, neither of which makes a good Merchant, and without Merchandize you will have a lean Bank. It is true, the Family of the MEDICI were both Merchants and made a Bank into a Throne: but it was in Commonwealth of Merchants, in a ſmall Territory, by great purchaſes in Land, and rather in a mere confuſion than under any ſettl'd Government; which Cauſes, if he can give them all ſuch another meeting, may do as much for another man. Otherwiſe let it be agreed and reſolv'd, that in a Territory of any extent, the balance of Empire conſiſts in Land and not in Mony; always provided that in caſe a Prince has occaſion to run away, as HENRY the Third of *France* did out of *Poland, his Balance in ready Mony is abſolutely the moſt proper for the carrying on of ſo great and ſudden an Enterprize*. Conſid. *p.* 16.

IT is an excellent way of diſputing, when a man has alleg'd no experience, no example, no reaſon, to conclude with *no doubt*. Certainly upon ſuch occaſions it is not unlawful nor unreaſonable to be merry. *Reaſons*, ſays one Comedian, *are not ſo common as Blackberrys*. For all that, ſays another Comedian, *no doubt but a Revenue in Taxes is as good as a Revenue in Feeſimple*; for this, in brief, is the ſenſe of his former particular, or that part of it, which, the *Monti* and the Banks being already diſcharg'd, remains to be anſwer'd. Yet that the Rents and Profits of a man's Land in Feeſimple or Property, com

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Book I. in naturally and eaſily, by common conſent or concernment, that is by virtue of the Law founded upon the public Intereſt, and therfore voluntarily eſtabliſh'd by the whole People, is an apparent thing. So a man that will receive the Rents and Profits of other mens Land, muſt either take them by mere force, or bring the People to make a Law diveſting themſelves of ſo much of their Property; which upon the matter is all one, becauſe a People poſſeſt of the Balance, cannot be brought to make ſuch a Law, further than they ſee neceſſary for their common defence, but by force, nor to keep it any longer than that Force continues. It is true, there is not only ſuch a thing in nature as health, but ſickneſs too: nor do I deny that there is ſuch a thing as a Government againſt the Balance. But look about, ſeek, find where it ſtood, how it was nam'd, how lik'd, or how long it laſted. Otherwiſe the comical Propoſition coms to this, *It is not to be doubted but that Violence may be permanent or durable*, and the *Blackberry*, for it is becauſe Nature is permanent or durable! What other conſtruction can be made of theſe Words? *It is not to be doubted but a Revenue ſufficient to maintain a Force able to beat down all oppoſition* (that is, a Force able to raiſe ſuch a Revenue) *dos equally* (on which word grows the *Blackberry*) *conduce to Empire*; that is, as much as could any natural Balance of the ſame! He may ſtain mouths, as he has done ſom, but he ſhall never make a Politician. The Earth yields her natural increaſe without loſing her heart; but if you com once to force her, look your Force continue, or ſhe yields you nothing: and the balance of Empire conſiſting of Earth, is of the nature of her Element.

DIVINES are given to ſpeak much of things which the Conſiderer balks in this place that wou'd check them, to the end he may fly out with them in others, wherto they do not belong, as where he

Conſid. *p.* 23. ſays, *that Government is founded either upon Paternity, and the natural Advantage the firſt Father had over all the reſt of Mankind, who were his Sons; or elſe from the increaſe of Strength or Power in ſom Man or Men, to whoſe Will the reſt ſubmit, that by their ſubmiſſion they may avoid ſuch miſchief as otherwiſe would be brought upon them.* Which two Vagarys are to be fetch'd home to this place.

FOR the former; if ADAM had liv'd till now, he could have ſeen no other than his own Children; and ſo that he muſt have bin King by the right of Nature, was his peculiar Prerogative. But whether the eldeſt Son of his Houſe, if the Prevaricator can find him at this time of day, has the ſame right, is ſomwhat diſputable; becauſe it was early when ABRAHAM and LOT divided Territorys, became ſeveral Kings: and not long after when the Sons of JACOB being all Patriarchs, by the appointment of God, whoſe Right ſure was not inferior to that of ADAM, tho he had liv'd, came under Popular Government. Wherfore the advantage of a firſt Father is for grave men a pleaſant fancy; nevertheleſs if he had liv'd till now, I hope they underſtand that the whole Earth would have bin his Demeans, and ſo the Balance of his Property muſt have anſwer'd to his Empire, as did that alſo of ABRAHAM and LOT to theirs. Wherfore this way of Deduction coms directly home again to the Balance. *Paterfamilias*

De jure belli, l. 1. c. 3. *Latiſundia poſſidens, & neminem alia lege in ſuas terras recipiens quam ut ditioni ſuæ, qui recipiuntur, ſe ſubjiciant, eſt Rex*, ſays GROTIUS. Fathers of Familys are of three ſorts, either a ſole Landlord, as ADAM, and then he is an abſolute Monarch; or a few Landlords,

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as LOT and ABRAHAM, with the Patriarchs of thoſe days; who if they join'd not together, were ſo many Princes; or if they join'd made a mix'd Monarchy; or, as GROTIUS believes, a kind of Commonwealth adminiſter'd in the Land of *Canaan* by MELCHISEDEC, to whom as King and Prieſt ABRAHAM paid Tithes of all that he had. Such a Magiſtracy was alſo that of JETHRO, King and Prieſt in the Commonwealth of *Midian*. Father of Familys for the third ſort, as when the Multitude are Landlords (which happen'd in the diviſion of the Land of *Canaan*) make a Commonwealth. And thus much, however it was out of the Prevaricator's head in the place now deduc'd, he, excepting no further againſt the Balance than that it might conſiſt as well in Mony as in Land, had confeſt before. Chap. 3.

HIS ſecond Vagary is in his deduction of Empire from increaſe of Strength, for which we muſt once more *round about our Coalfire*. The ſtrength wherby this effect can be expected, conſiſts not in a pair of Fiſts, but in an Army; and an Army is a Beaſt with a great Belly, which ſubſiſts not without very large paſtures: ſo if one man has ſufficient paſture, he may feed ſuch a Beaſt; if a few have the paſture, they muſt feed the Beaſt, and the Beaſt is theirs that feed it. But if the People be the Sheep of their own paſtures, they are not only a flock of Sheep, but an Army of Lions, tho by ſom accidents, as I confeſt before, they be for a ſeaſon confinable to their dens. So the advantage or increaſe of Strength depends alſo upon the Balance. There is nothing in the World to ſwear this Principle out of countenance, but the fame of PHALARIS, GELON, DIONYSIUS, AGATHOCLES, NABIS, *&c.* with which much good do them that like it. It is proper to a Government upon the Balance to take root at home, and ſpread outwards; and to a Government againſt the Balance to ſeek a root abroad, and to ſpread inwards. The former is ſure, but the latter never ſucceſsful. AGATHOCLES for having conquer'd *Africa*, took not the better root in *Syracuſa*. *Parvi ſunt arma foras, niſi ſit conſilium domi.*

To conclude this Chapter; the Prevaricator gives me this thanks for finding out the Balance of Dominion (being as antient in Nature as her ſelf, and yet as new in Art as my Writing) *that I have given the world cauſe to complain of a great diſappointment, who, while at my hand that Satisfaction in the Principles of Government was expected, which ſeveral great Wits had in vain ſtudy'd, have in diverſifying Riches in words only, as Property, Dominion, Agrarian, Balance, made up no more than a new Lexicon, expreſſing the ſame thing that was known before*; ſeeing the opinion *that Riches are Power is* (as antient as the firſt Book of THUCYDIDES, or the Politics of ARISTOTLE, and) *not omitted by Mr.* HOBBS, or any other Politician. Which is as if he had told Dr. HARVEY, that wheras the Blood is the Life was an Opinion as antient as MOSES, and no Girl ever prick'd her finger, but knew it muſt have a courſe; he had given the world cauſe to complain of great diſappointment in not ſhewing a Man to be made of Gingerbread, and his Veins to run Malmſy.

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CHAP. IV.

Whether the Balance of Empire be well divided into National and Provincial; And whether theſe two, or any Nations that are of diſtinct Balance, coming to depend upon one and the ſame Head, ſuch a mixture creates a new Balance.

THE Balance of Empire that is National, as it is ſtated in the former Chapter, ſtands in a regulated or mix'd Monarchy upon the Property or native Intereſt of the Nobility; in a Commonwealth, upon the Property or native Intereſt of the People; ſo theſe are very natural. But the Balance of abſolute Monarchy, partaking of Force as well as Nature, is a mix'd thing, and not much different from the Balance of Provincial Empire, or the manner of holding a Province or conquer'd Country. In a Province, if the Native that is rich be admitted to Power, the Power grows up native, and overtops the foren: therfore you muſt either not plant your Citizens in your Provinces, where in time they will become native; or, ſo planting them, neither truſt them with power nor with arms. Thus the provincial Balance comes to be contrary to the National. And as where Empire is native or national, the adminiſtration of it can be no otherwiſe than according to the national Balance; ſo where Empire is foren or provincial, the adminiſtration of it can be no otherwiſe than contrary to the national Balance. That *this may be admitted without oppoſition* the Conſiderer is inclining to allow, always provided he be

Conſid. *p.* 16, 17. *ſatisfy'd in this demand, Whether diſtinct Balances under the ſame Head or Governor, as thoſe of* Caſtile *and* Arragon, *the Power of the King* (I preſume he means by the Balance of a Nobility) *being greater in the one, and that of the People in the other, may not ſo poiſe one the other, as to produce a new Balance.* To which I anſwer, That no one Government whatſoever has any more than one of two Balances; that except in the caſes excepted, of Land which is national, or that of Arms which is provincial. Wherfore if the king of *Spain* by his War againſt the Commons altered the balance of *Arragon*, it muſt have bin one of two ways, either by ſtrengthning the Balance of the Nobility, and governing the *Arragonian* People by them, in which caſe their Balance, tho altered, remained yet National; or by holding both Nobility and People by a provincial Governor and an Army, in which caſe his Empire in that Kingdom is provincial. There is no third way; nor, putting the caſe that the balance of *Caſtile* be national, and that of *Arragon* provincial, does this any more create in the monarchy of *Spain* a third Balance of Empire, than did the multiplication of Aſſociations and Provinces, divers for their Balances, in the Commonwealth of *Rome*. *England* and *Scotland* being united in one Prince, made, if it had bin rightly us'd, an increaſe of Strength, but not a third Balance; nor do the kingdoms in *Spain*. Whether a Soverainty has many Territorys and Provinces in ſubjection, or in League, it is all one as to this point; the ſtronger Union or League will give the ſtronger Balance: and the caſe of the preſent Soveraintys in *Europe* being no other, the more nice than wiſe Speculation of the Conſiderer, who has not bin able to diſcern the Balance of a League from that of Empire, is a Mare's neſt.

CHAP.

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CHAP. V.

Whether there be any common Right or Intereſt of Mankind diſtinct from the parts taken ſeverally; and how by the Orders of a Commonwealth it may be beſt diſtinguiſh'd from privat Intereſt.

IN the next place the Prevaricator dos not go about to play the man, but the unlucky boy. Where I ſay that the *Soul of Man is Miſtreſs of two potent Rivals, Reaſon and Paſſion*; he dos not ſtand to weigh the truth of the thing, or the fitneſs of the compariſon, either of which had been fair; but tumbles *Dick* upon *Sis*, the Logic upon the Rhetoric, the Senſe upon the Figure, and ſcuds away in this manner: *If I could be perſuaded Mr.* HARRINGTON *was ſo far in earneſt, as to expect any man ſhou'd be convinc'd by the metaphorical uſe of two or three words, ſom farther conſideration might be propos'd.* This is to uſe his Readers as the Fox dos the Dogs, when having piſt upon his Tail, and flapt it in their Eys, he gets away. Dos not his Book deſerve to be gilded and carry'd in Stateſmen's Pokes? Alas! mine are nothing? *Quis leget hæc? vel duo, vel nemo:* they break the Stationer. And yet let me comfort myſelf, Whoſe are better? the Prevaricator ſeems to ſet every whit as light by thoſe of HOOKER and GROTIUS, at leaſt where they favor me. *The Opinions of* GROTIUS, ſays he, *cannot oblige us beyond the Reaſons wheron they are founded*; and what are thoſe? he will diſpute againſt that which he dares not repeat: that his Comment may take you by the Noſe, he has left out the Text. The words of GROTIUS are of this Senſe: *Tho it be truly ſaid that the Creatures are naturally carry'd to their proper Utility, this ought not to be taken in too general a ſenſe, ſeeing divers of them abſtain from their own Profit, either in regard of thoſe of the ſame kind, or at leaſt of their Young.* Which words, ſays the Prevaricator, *carry a great reſtriction in them, and the way of producing Actions in Beaſts is ſo different from the emanation of human Reaſon* (mark the Impoſtor! the Author is ſpeaking of natural Affection, and he wipes out that, and puts in *human Reaſon*) *that the Inferences from* (the natural Affection of) *the one, to the* (degree of Reaſon which is in the) *other, muſt needs be very weak.* Excellent! dos it therfore follow that the eminent degree of Reaſon, wherwithal God has indu'd Man, muſt in him deface that natural Affection, and deſertion in ſome caſes of privat for common good, which is apparent even in Beaſts? What do reverend Divines mean to cry up this Infidel? Nay, is *not he worſe than an Infidel that provides not for his own Family?* A Commonwealth is but a great Family; and a Family is a little Commonwealth. Even Beaſts, in ſparing out of their own mouths, and expoſing themſelves to danger for their young, provide for their Familys; and in providing for their Familys, provide for their whole Commonwealth; that is, forſake in ſom things their privat good and ſafety, for the good of the public, or of the kind. In this caſe it is that *even Stones or heavy things*, ſays HOOKER, *forſake their ordinary wont or centre, and fly upwards to relieve the diſtreſs of Nature in common.* Wretch that he is, ſhall a Stone upon this occaſion fly upwards, and will he have a Man to go

Confid. p. 19, 20.

In Proleg. de jure B. ac P.

Book 1.

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Book I. downwards! Yes, *Mr.* HOOKER's *Expreſſion*, ſays he, *is altogether figurative; and it is eaſier to prove from thence that things wanting Senſe make Diſcourſes, and act by Election, than that there is ſuch a thing as a common Intereſt of Mankind.* This is like the reſt, HOOKER ſpeaks of the neceſſity that is in Nature, and this Gentleman tranſlates that Senſe into the word *Election*. So becauſe a Stone is neceſſitated to comply with the common intereſt of Nature, without Diſcourſe or Election; therfore it rather follows from hence, *that things wanting Senſe make Diſcourſes, and act by Election, than that there is ſuch a thing as a common Intereſt of Mankind.* His old Trick. I do not ſay, that becauſe it is ſo with the other Creatures, therfore it muſt be ſo with Man: but as we ſee it is with the Creatures in this part, ſo we find it to be with Man. And that ſo, and more than ſo, we find it to be with Man (who tho he *be evil, gives good things to his Children*, will work hard, lay up, deny himſelf, venture his Life for his little Commonwealth) is thus further demonſtrated. All civil Laws acknowlege that there is a common Intereſt of Mankind, and all civil Laws procede from the Nature of Man; therfore it is in the Nature of Man to acknowlege that there is a common Intereſt of Mankind. Upon this acknowlegement of Mankind, a Man that ſteals is put to death, which certainly is none of his privat Intereſt: nor is a Man put to death for any other Man's privat Intereſt: therfore there is a common Intereſt of Mankind diſtinct from the parts taken ſeverally. But this, tho acknowleg'd in part by all Governments, yet thro their natural frailty is nothing ſo well provided for in ſom as in others: for if the Power be in one or a few Men, one or a few Men, we know, may be Thieves, and the rather, becauſe applying Mony that is public, without a conſideration that is public, to uſes that are privat, is thieving. But ſuch Thieves will not be hang'd; in this caſe therfore the Government goes not upon public but privat Intereſt. In the frame of ſuch a Government as can go upon no other than the public Intereſt, conſiſts that *whole Philoſophy of the Soul* which concerns Policy: and this *whole Philoſophy of the Soul* being throout the Commonwealth of *Oceana* demonſtrated; for the Prevaricator to inſinuat that I have omitted it, is to ſhew what it is that he loves more than Truth. The main of this Philoſophy conſiſts in depoſing Paſſion, and advancing Reaſon to the Throne of Empire. I expected news in this place, that this were to promiſe more for the Magiſtrat or the People than has bin perform'd by the Stoics; but two Girls, meaning no body any harm, have provok'd his Wrath, forſooth, to ſuch extravagancy by the way, that tho in all modeſty it were forbid, as he confeſſes, by their cheeks, which diſcovering the Green-ſickneſs, ſhew'd that they were paſt the rod, he has taken them up! *Tantæne animis cœleſtibus iræ!* What he may have in School-Divinity for ſo rude a charge, I do not know; but he ſhall never be able to ſhew any Maxims for this kind of Diſciplin or *Philoſophy of the Soul*, either in Chevalry or the Politics. The offence of the Girls was no more, than that having a Cake (by the gift of an Uncle or Aunt, or by purchaſe, or ſuch a one perhaps as was of their own making) in common, or between them, the one had moſt accuratly divided, and the other was about to chuſe; when in coms this rude fellow: *How now, Gentlemen*, ſays he, *What dividing and chuſing! Will no leſs ſerve your turn than the whole Myſtery of a well-order'd Commonwealth? Who has taught you to caſt away Paſſion, an't pleaſe you, like*

Conſid. *p.* 22, 23.

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like the Bran, and work up Reaſon as pure as the Flower of your Cake? Chap. 5.
Are you acquainted with the Author of Oceana, *that has ſeen foren Countrys, convers'd with the* Speculativi, *learn'd of the moſt ſerene Lady* VENETIA *to work with Bobbins, makes you a Magiſtracy like a Pippin Py, and ſells Butterprints with* S. P. Q. R. ? *Have don, as you dread Ballads, fuſty Pamphlets, or the Oſtraciſm of* Billingſgate. *Have don, I ſay; will you vy that green in your Cheeks with the purple of the State? muſt your Mother, who was never there her ſelf, ſeek you in the Oven? Com, when I live to ſee* MACHIAVEL *in puſpaſte, a Commonwealth com out of a Bakehouſe, where Smocks were the Boulters, let me be a Mill-horſe* —— But now you muſt know coms the beſt Jeſt of all, and I need not ſay that it coms from *Oxford*; he tells them that *their Cake is Dow* (let it not be loſt I beſeech you) and ſo ſnatching it away, eats it, for all the world as Jackpudding eats the Cuſtard. Did you ever ſee ſuch a *Beſtia?*

BUT wheras either office, that of dividing or chuſing, was communicable to either of the Girls, it is not indifferent in the diſtribution of a Commonwealth, becauſe dividing is ſeparating one thing, one reaſon, one intereſt, or conſideration from another, which they that can ſo diſcern in privat affairs are call'd *diſcrete*, but they that can do it in public are *prudent*; and the way of this kind of dividing in the language of a Commonwealth is Debating. But they that are capable of this kind of dividing or debating are few among many, that when things are thus divided and debated, are able enough to chuſe, which in the language of a Commonwealth is to reſolve. Hence it is that the Debate of the Few, becauſe there be but few that can debate, is the wiſeſt Debate; and the Reſult of the Many (becauſe every man has an Intereſt what to chuſe, and that choice which ſutes with every man's Intereſt, excludes the diſtinct or privat Intereſt or Paſſion of any man, and ſo coms up to the common and public Intereſt or Reaſon) is the wiſeſt Reſult. To this end, God, who dos nothing in vain, has ſo divided Mankind into the Few or the natural Ariſtocracy, and the Many or the natural Democracy, that there can hardly be upon any occaſion a meeting of twenty men, wherin it will not be apparent, or in which you may not ſee all thoſe Lines which are requiſite to the face of a beautiful Commonwealth. For example, among any twenty men occaſionally met, there will be ſom few, perhaps ſix, excelling the fourteen in greatneſs of Parts. Theſe ſix falling into diſcourſe of buſineſs, or giving their judgment upon Perſons or Things, tho but by way of mere Converſation, will diſcover their Abilitys; wherupon they ſhall be liſten'd to and regarded by the Fourteen; that is, the Six will acquire an Authority with, and imprint a Reverence upon the Fourteen: which Action and Paſſion in the *Roman* Commonwealth were call'd *Authoritas Patrum, & Verecundia Plebis.* Nevertheleſs if the Six indeavor to extend the Authority which they find thus acquir'd, to Power, that is, to bring the Fourteen to terms or conditions of Obedience, or ſuch as would be advantageous to the Few, but prejudicial to the Many; the Fourteen will ſoon find, that conſenting, they hurt not only themſelves by indamaging their own Intereſts, but hurt the Six alſo who by this means com to loſe their Virtue, and ſo ſpoil their Debate, which, while ſuch advantages are procurable to themſelves, will go no further upon the common Good, but their privat Benefit. Wherfore in this caſe they will

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Book I. will not conſent, and not conſenting, they preſerve not only their own Liberty, but the Integrity of the Six alſo, who perceiving that they cannot impair the common Intereſt, have no other intereſt left but to improve it. And neither any Converſation, nor any People, how dull ſoever and ſubject by fits to be deluded, but will ſoon ſee thus much, which is enough, becauſe what is thus propos'd by the Authority of the Six or of the Senat, and reſolv'd by the Fourteen, or by the People, is enacted by the Whole, and becoms that Law, than which, tho Mankind be not infallible, there can be nothing leſs fallible in Mankind. Art is the imitation of Nature; by obſervation of ſuch Lines as theſe in the face of Nature, a Politician limns his Commonwealth.

Conſid. *p.*26. But ſays the Prevaricator, *the Paralogiſm lys in this, that the twenty men are firſt ſuppos'd to be a Commonwealth, and then it is conſider'd how they would diſpoſe of the Government.* What is this? Art is the imitation of Nature; therfore Art preſumes Nature to be Art. A Picture is the repreſentation of a Face; therfore the Picture-drawer preſum'd the Face to be a Picture; and in this ſame, there is lying, being, or ſquatting, a thing call'd a Paralogiſm. Did you ever hear ſuch a Paraketiſm? for to ſpeak a word without underſtanding the ſenſe of it, is like a Parrat. And yet I wrong the Parrat in this compariſon; for ſhe, tho ſhe do not underſtand her ſelf, is underſtood by others, wheras neither can this Prevaricator tell what he means, nor any man elſe. Or riddle me, riddle me what is this? *The ſenſe of want among*

Conſid. p.27. *men that are in equality of Power may beget a deſire of exchange; as let me have your Horſe, and you ſhall have my Cow, which is the fountain of privat Contracts: but it is not to be with reaſon imagin'd, that this ſhould be enough to make a man part with a natural Freedom, and put himſelf into the hands of a Power from which he can afterwards have no Shield, tho it ſhould be us'd to his own deſtruction.*

MOST victorious Nonſenſe! for he that ſays nothing, cannot be anſwer'd. It ſhould ſeem, if the twenty men were indeed a Commonwealth, or in equality of Power, for ſo he puts the caſe, they might truck Horſes and Cows, but not by any means conſider, or once let it enter into their heads, how by Art to make good their natural Freedom: That (unleſs they ſet up a Prince, as you ſhall ſee anon) were *to part with their natural Freedom, and put themſelves into the hands of a Power from which* (there being no other Power but themſelves) *they can afterwards have no ſhield. To read it throughly for the underſtanding*, as is intimated in his Epiſtle, *will be more*, I doubt, *than his Book will obtain of any Reader.* Yet is he, in his own conceit, as ſurefooted as any Mule, and knows the Road. But Mr. HARRINGTON *has not loſt his way without company*; his Brother GROTIUS *complains, that they who treat of* Jus Gentium, *do commonly miſtake ſom part of the Roman* Jus Civile *for it:* and even ſo he laments (an't pleaſe you) *that while men profeſs to conſider the Principles of Government, they fall upon Notions which are the mere effects of Government.* But as an Ape is the more ugly for being like a Man; ſo this Prevaricator, for making Faces like GROTIUS. I, who am complain'd of, deriving Government from the true Principle of the ſame, in the Balance or Foundation, ſet the Superſtructures accordingly; and he who complains forſooth, never ſo much as propoſes any thing like a Principle or Superſtructure, but runs altogether upon mere Notions:

Conſid. *p* 28. As where he aſks me, *What Security will you give, that the Six in their Conſul-*

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Conſultations ſhall not rather aim at their own advantage, than that of the Fourteen, and ſo make uſe of the eminence of their Parts to circumvent the reſt? In another place he can anſwer himſelf and ſay, that the *Fourteen*, or the *People in this Conſtitution, have the Vote and the Sword too.* How then ſhould the Six circumvent them? What Security has a Prince, that his People will not pull him out of his Throne? why, a Nobility or an Army: And are not the People in a Commonwealth their own Army? Is this to mind Principles? *On the other ſide, How*, ſays he, *ſhall we be ſatisfied that the Fourteen will not ſoon begin to think themſelves wiſe enough to conſult too, and making uſe of their exceſs in Power, pull the Six off their Cuſhions?* As if there were any experience public or privat, any ſenſe or reaſon, that men having the whole Power in their own hands, would deprive themſelves of Counſillors; or that ever a Commonwealth depos'd the Senat, or can depoſe the Senat, and remain a Commonwealth. The People of *Capua* being inrag'd to the full height, reſolv'd and aſſembl'd together (the Senat, if the People will, being always in their power) on purpoſe to cut the throats of the Senators, when PACUVIUS CALAVIUS exhorted them that e'er they went upon the deſign, they would firſt make election among themſelves of a new Senat, which, the throats of the old being cut, might for the ſafety of the Commonwealth immediately take their places; for, ſaid he, * *You muſt either have a King, which is to be abhorr'd; or whatever becoms of this, you muſt have ſom other Senat: for the Senat is a Council of ſuch a nature as without it no free City can ſubſiſt.* By which Speech of PACUVIUS, the People, who thought themſelves, as the Conſiderer has it, *wiſe enough to conſult*, being convinc'd, fell to work for the Election of a ſucceeding Senat out of themſelves (the Prevaricator ſhould not tell me of Notions, but learn that *in a Commonwealth there muſt be a Senat*, is a Principle) while the People of *Capua* were intent upon chuſing this new Senat, the Partys propos'd ſeem'd to them to be ſo ridiculouſly unfit for ſuch an Office, that by this means coming to a nearer ſight of themſelves, they were ſecretly ſo fill'd with the ſhame of their Enterprize, that ſlinking away, they would never after be known ſo much as to have thought upon ſuch a thing. Nor ever went any other people ſo far, not the *Florentins* themſelves, tho addicted to innovation or changing of the Senat beyond all other examples. Sons of the Univerſity, Brothers of the College, Heads and Points; you love fine words. Whether tends to bring all things into ſervitude, my Hypotheſis, or his † Hypothytes? For ſays he, *I am willing to gratify Mr.* HARRINGTON *with his partition of the twenty men into ſix and fourteen; but if I had been in a humor of Contradiction, it had been as free for me to have ſaid that ſom one of the twenty would have excel'd all the reſt in judgment, Experience, Courage and height of Genius, and then told him, that this had bin a natural Monarchy, eſtabliſhed by God himſelf over Mankind:* As if the twenty would *give their Clothes or Money to the next man they met wiſer or richer than themſelves*, which before he deny'd; *Oportet mendacem eſſe memorem.* God eſtabliſh'd Kings no otherwiſe than by election of the People; and the twenty *will neither give their Clothes nor Money:* How then? why in coms a Gallant with a file

Chap. 5.

† Arochet.

* Senatum omninò non habere non vultis: Quippe aut Rex, quod abominandum; aut, quod unum liberæ civitatis Concilium eſt, Senatus habendus eſt. *Liv.*

of

Book I. of Muſketeers; What, ſays he, are you dividing and chuſing here? Go to, I will have no dividing, give me all. Down go the pots, and up go their heels: What is this? why a *King!* What more? by *Divine Right!* As he took the Cake from the Girls?

CHAP. VI.

Whether the Senatuſconſulta, *or Decrees of the* Roman *Senat, had the Power of Laws?*

AMONG divers and weighty Reaſons why I would have that Prince look well to his file of Muſketeers, this is no ſmall one, that he being upon no balance, will be able never to give Law without them. For to think that he ſuccedes to the Senat, or that the power of the Senat may ſerve his turn, is a preſumption that will fail him. The Senat, as ſuch, has no power at all, but mere Authority of propoſing to the People, who are the makers of their own Laws; whence the decrees of the Senat of *Rome* are never Laws, nor ſo call'd, but *Senatuſconſulta.* It is true that a King coming in, the Senat, as there it did, may remain to his aid and advantage; and then they propoſe not as formerly to the People, but to him, who comes not in upon the right of the Senat, but upon that of the People: whence ſays JUSTINIAN: * *The Prince's Pleaſure has the force of Law, ſince the People have by the* Lex Regia, *concerning his Power, made over to him all their own Empire and Authority.* Thus the *Senatuſconſultum Macedonicum, with the reſt that had place allow'd by* JUSTINIAN *in compilement of the* Roman *Laws*, were not Laws in that they were *Senatuſconſulta*, or propos'd by the Senat, but in that they were allow'd by JUSTINIAN or the Prince, in whom was now the right of the People. Wherfore the Zealot for Monarchy has made a *pas de clerc*, or foul ſtep in his proceſſion, where he argues thus out of CUJACIUS: *It was ſoon agreed that the diſtinct Decrees of the Senat and People ſhould be extended to the nature of Laws*; therfore the diſtinct Decrees of the Senat are Laws, whether it be ſo agreed by the People, or by the Prince, or no. For thus he has no ſooner made his Prince, than he kicks him heels over head; ſeeing whether the Decrees of the Senat are Laws without the King, that ſame is as much a King as the Prevaricator a Politician. A Law is that which was paſt by the Power of the People, or of the King. But out of the Light; in this place he takes a *Welſh* Bait, and looking back, makes a muſter of his victory, like the buſſing *Gaſcon*, who to ſhew what he had thrown out of the windows in his Debauchery, made a formal repetition of the whole Inventory of the Houſe.

Conſid. p. 30, 31.

Conſid. p. 32.

* Quod Principi placuit legis habet vigorem, quum lege Regia quæ de ejus imperio lata eſt, Populus ei, & in eum omne imperium ſuum & poteſtatem concedat.

CHAP.

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CHAP. VII.

Whether the Ten Commandments were propos'd by GOD *or* MOSES, *and voted by the People of* Iſrael.

ONE would think the *Gaſcon* had don well; Is he ſatisfy'd? No, he will now *throw the Houſe out of the windows. The principal ſtones being already taken from the Foundation*, he has a bag of certain Winds wherwithal *to reverſe the Superſtructures.* The firſt Wind he lets go is but a Puff, where he tells me, *that I bring* Switzerland *and* Holland *into the enumeration of the Heathen Commonwealths:* which if I had don, their Libertys in many parts and places being more antient than the Chriſtian Religion in thoſe Countrys (as is plain by TACITUS, where he ſpeaks of CIVILIS, and of the Cuſtoms of the *Germans*) I had neither wrong'd them nor my ſelf; but I do no ſuch matter, for having enumerated the Heathen Commonwealths, I add *that the Proceedings of* Holland *and* Switzerland, *tho after a more obſcure manner, are of the like nature.* The next is a Storm, while reproaching me with Rudeneſs, he brings in Dr. FERN and the Clergy by head and ſhoulders, who till they undertake the quarrel of Monarchy, to the confuſion of the Commonwealth of *Iſrael*, at leaſt ſo far that there be no weight or obligation in ſuch an Example, are poſted. As if for a Chriſtian Commonwealth to make ſo much uſe of *Iſrael*, as the *Roman* did of *Athens*, whoſe Laws ſhe tranſcrib'd, were againſt the Intereſt of the Clergy, which, it ſeems, is ſo hoſtil to popular Power, that to ſay the Laws of Nature, tho they be the Fountains of all Civil Law, are not the Civil Law, till they be the Civil Law; or thus, that *thou ſhalt not kill, thou ſhalt not ſteal*, tho they be in natural Equity, yet were not the Laws of *Iſrael* or of *England*, till voted by the People of *Iſrael*, or the Parlament of *England*, is to *aſſert the People into the mighty Liberty of being free from the whole moral Law*; and, inaſmuch as *to be the Adviſer or Perſuader of a thing, is leſs than to be the Author or Commander of it, to put an Indignity upon God himſelf.* In which Fopperys the Prevaricator, boaſting of Principles, but minding none, firſt confounds Authority and Command or Power; and next forgets that the dignity of the Legiſlator, or, which is all one, of the Senat ſucceeding to his Office, as the *Sanhedrim* to MOSES, is the greateſt dignity in a Commonwealth: and yet that the Laws or Orders of a Commonwealth derive no otherwiſe, whether from the Legiſlator, as MOSES, LYCURGUS, SOLON, *&c.* or the Senat, as thoſe of *Iſrael*, *Lacedemon*, or *Athens*, than from their Authority receiv'd and confirm'd by the Vote or Command of the People. It is true, that with Almighty God it is otherwiſe than with a mortal Legiſlator, but thro another Nature which to him is peculiar, from whom as he is the cauſe of being, or the Creator of Mankind, Omnipotent Power is inſeparable; yet ſo equal is the goodneſs of this Nature to the greatneſs therof, that as he is the cauſe of welbeing by way of Election, for example in his choſen People *Iſrael*, or of Redemption, as in the Chriſtian Church, himſelf has prefer'd his Authority or Propoſition before his Empire. What elſe is the

Conſid. *p.* 33, 35.

Oceana, *p.* 51.

Conſid. *p* 35, 40.

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Book I. meaning of theſe words, or of this proceding of his ? *Now therfore if ye will obey my Voice indeed, and keep my Covenant, ye ſhall be to me a*
Exod. 19. 5. *Kingdom*, or I will be your King ; which Propoſition being voted by the People in the Affirmative, God procedes to propoſe to them the ten Commandments in ſo dreadful a manner, that the People being ex-
Exod. 20. 19. ceedingly affrighted, ſay to MOSES, *Speak thou with us, and we will hear thee :* that is, be thou henceforth our Legiſlator or Propoſer, and we will reſolve accordingly ; *but let not God ſpeak with us, leſt we dy.* From whenceforth God propoſes to the People no otherwiſe than by MOSES, whom he inſtructs in this manner ; *Theſe are the Judgments which thou ſhalt propoſe unto them before them.* Wherfore it is ſaid of the
Deut. 29. 1. Book of *Deuteronomy*, containing *the Covenant which the Lord commanded* MOSES *to make with the Children of* Iſrael *in the Land of* Moab, *beſides the Covenant which he made with them in* Horeb ; *This is*
Deut. 4. 44. *the Law which* MOSES *ſet before the Children of* Iſrael. Neither did GOD in this caſe make uſe of his Omnipotent Power, nor CHRIST in the like, who alſo is King after the ſame manner in his Church, and would have bin in *Iſrael*, where when to this end he might have muſter'd up Legions of Angels, and bin victorious with ſuch Armys, or *Argyraſpides*, as never Prince could ſhew the like, he ſays no more
Matt. 23. 37. than, O Jeruſalem, Jeruſalem, *how often would I have gather'd thee and thy Children, as a Hen gathers her Chickens under her wings, and ye would not ?* where it is plain that the *Jews rejecting* CHRIST, *that he ſhould not reign over them*, the Law of the Goſpel came not to be the Law of the *Jews* ; and ſo if the ten Commandments came to be the Law of *Iſrael*, it was not only becauſe God propos'd them, ſeeing Chriſt alſo propos'd his Law, which nevertheleſs came not to be the Law of the *Jews* ; but becauſe the People receiv'd the one, and rejected the other. It is not in the nature of Religion that it ſhould be thought a profane ſaying, that if the Bible be in *England*, or in any other Government, the Law or Religion of the Land, it is not only becauſe God has propos'd it, but alſo becauſe the People or Magiſtrat has receiv'd it, or reſolv'd upon it ; otherwiſe we muſt ſet lighter by a Nation or Government than by a privat Perſon, who can have no part nor portion in this Law, unleſs he vote it to himſelf in his own Conſcience, without which he remains in the condition he was before, and as the Heathen, *who are a Law to themſelves.* Thus wheras in a Covenant there muſt be two Partys, the Old and New Teſtament being in ſum the Old and New Covenant ; theſe are that Anthority and Propoſition of GOD and CHRIST, to which they that refuſe their Vote or Reſult may be under the Empire of a Clergy, but are none of his Commonwealth. Nor, ſeeing I am gone ſo far, dos this at all imply Freewill, but, as is admirably obſerv'd by Mr. HOBBS, the freedom of that which naturally precedes Will, namely, Deliberation or Debate, in which, as the Scale by the Weight of Reaſon or Paſſion coms to be turn'd one way or other, the Will is caus'd, and being caus'd is neceſſitated. When God coms in thus upon the Soul of Man, *he gives both the Will and the Deed* ; from which like Office of the Senat in a Commonwealth, that is, from the excellency of their Deliberation and Debate, which prudently and faithfully unfolded to the People, dos alſo frequently cauſe and neceſſitat both the Will and the Deed. GOD himſelf has ſaid of the Senat, *that they are Gods :* an expreſſion, tho divine, yet not unknown to the Heathens ; *Homo homini*

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homini Deus, one man, for the excellency of his Aid, may be a God to another. But let the Prevaricator look to it; for he that leads the blind out of his way, is his Devil. Chap. 8.

FOR the things I have of this kind, as alſo for what I have ſaid upon the words *Chirotonia* and *Eccleſia*, the Prevaricator *is delighted to make me beholden underhand to Mr.* HOBBS, *notwithſtanding the open enmity which he ſays I profeſs to his Politics.* As if JOSEPHUS upon that of SAMUEL, *They have not rejected thee, but they have rejected me that I ſhould not reign over them*, had not ſaid of the People (Θεὸν ἀπεχειροτόνων τῆς βασιλείας) *that they unchirotoniz'd or unvoted God of the Kingdom.* Now if they unchirotoniz'd or unvoted God of the Kingdom, then they had chirotoniz'd or voted him to the Kingdom; and ſo not only the Doctrin that God was King in *Iſrael* by Compact or Covenant, but the uſe of the word *Chirotonia* alſo in the ſenſe I underſtand it, is more antient than Mr. HOBBS. I might add that of CAPELLUS, * *God was a Political King and Civil Legiſlator of the Jews.* And for the uſe I have made of the word *Eccleſia*, as no man can read ſuch as have written of the *Grecian* Commonwealths, and miſs it, ſo I do not remember that Mr. HOBBS has ſpoken of it. To theſe things fuller ſatisfaction will be given in the ſecond Book; which nevertheleſs I do not ſpeak, to the end I might wave Obligation to ſo excellent an Author in his way. It is true, I have oppos'd the Politics of Mr. HOBBS, to ſhew him what he taught me, with as much diſdain as he oppos'd thoſe of the greateſt Authors, in whoſe wholſom Fame and Doctrin the good of Mankind being concern'd, my Conſcience bears me witneſs that I have don my duty. Nevertheleſs in moſt other things I firmly believe that Mr. HOBBS is and will in future Ages be accounted the beſt Writer, at this day, in the world. And for his Treatiſes of Human Nature, and of Liberty and Neceſſity, they are the greateſt of new Lights, and thoſe which I have follow'd, and ſhall follow.

1 Sam. 8. 7.

CHAP. VIII.

Whether a Commonwealth coming up to the perfection of the kind, coms not up to the perfection of Government, and has no flaw in it.

WHAT a Commonwealth coming up to the perfection of the kind is, I have ſhewn both by the definition of an equal Commonwealth, and the Exemplification of it in all the parts.

THE Definition is contain'd in the firſt of my Preliminarys; which, becauſe it is ſhort, I ſhall repeat.

AN equal Commonwealth is a Government eſtabliſh'd upon an equal Agrarian, ariſing into the Superſtructures or three Orders, the Senat debating and propoſing, the People reſolving, and the Magiſtracy executing, by an equal Rotation, or interchangeable Election, thro the ſuffrage of the People given by the Ballot. The Exemplification is the whole Common-

* Deus Populi Judaici Rex erat veluti politicus, & civilis Legiſlator. *In Diatriba de Voto Jephthæ.*

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Book I. wealth of *Oceana*. Each of which by him, who, if his Doctrin of pure and abſolute Monarchy be obſerv'd, can be no *Engliſhman*, is call'd an *Iriſh Bog*; as in ſom ſenſe it is, ſeeing the Prevaricator has ſet never a foot in it that will ſtand, nor has more to ſay, than that *Where there is one ambitious poor man, or one vicious rich man, it is impoſſible there ſhould be any ſuch Government as can be ſecure from Sedition.*

Conſid. p 43.

WHICH, Firſt, is rather to make all Governments ineffectual, or to make all Governments alike, than to object againſt any, ſeeing That there ſhould not be *one ambitious poor man*, or *one vitious rich man*, is equally, if not more, improbable in a Monarchy than in a Commonwealth.

SECONDLY, That one man alone, whether he be rich or poor, ſhould without a Party be able to diſturb a Commonwealth with Sedition, is an abſurdity; nor is ſuch a party, as may be able in ſom ſort to diſturb the Peace by robbing upon the Highway, or ſom ſuch diſorder, always able to diſturb a Government with Sedition. Wherfore this feat goes not ſo much upon the ability of any one man, rich or poor, as the Power of the Party he is able to make; and this ſtrength of the Party gos upon the nature of the Government, and the content or diſcontents thence deriving to the Few, or the Many. The Diſcontents, whether of the Few or the Many, derive from that which is, or by them is thought to be ſom bar to their Intereſt; and thoſe Intereſts which are the cauſes of Sedition are three, the deſire of Liberty, the deſire of Power, and the deſire of Riches; nor be there any more: for where the People thro want of Bread, thro Violence offer'd to their Women, or Oppreſſion, riſe up againſt their Governors, it relates to the deſire of Liberty; thoſe alſo under the name of Religion make not a fourth, but come to one of the three.

NOW to ſpeak in the firſt place of the Many, and anon of the Few; the People in an equal Commonwealth have none of theſe three Intereſts: Not the deſire of Liberty, becauſe the whole Frame of an equal Commonwealth is nothing elſe but ſuch a method wherby the Liberty of the People is ſecur'd to them: Not of Power, becauſe the Power which otherwiſe they could not exerciſe, is thus eſtated in them: Nor of Riches, becauſe where the Rich are ſo bounded by an Agrarian that they cannot overbalance (and therfore neither oppreſs the People, nor exclude their Induſtry or merit from attaining to the like Eſtate, Power, or Honor) the whole People have the whole Riches of the Nation already equally divided among them; for that the Riches of a Commonwealth ſhould not go according to the difference of mens Induſtry, but be diſtributed by the Poll, were inequal. Wherfore the People in an equal Commonwealth having none of thoſe Intereſts which are the cauſes of Sedition, can be ſubject to no ſuch effect.

TO affirm then with the Conſiderer, *that the whole of this Libration is reduc'd to the want of Power to diſturb the Commonwealth*, muſt needs be a miſtake, ſeeing in the Commonwealth propos'd the People have the Power, but can have no ſuch Intereſt; and the People having no ſuch Intereſt, no Party can have any ſuch power, it being impoſſible that a Party ſhould com to overbalance the People, having their Arms in their own hands. The *whole matter being thus reduc'd to the want of Power to diſturb the Government:* this, according to his own Argument, will appear to be the Libration in which the Power, *wherof*

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the Governor is poſſeſt, ſo vaſtly exceeds the Power remaining with thoſe who are to obey (which in caſe of conteſt muſt be ſo ſmall a Party) *that it would be deſperately unreaſonable for them to hope to maintain their Cauſe. If the true method* then *of attaining to perfection in Government be to make the Governor abſolute*, and the People in an equal Commonwealth be abſolute, then there can be none in this Government, *that upon probable terms can diſpute the Power with the Governor*, and ſo this State by his own Argument muſt be free from Sedition. Thus far upon occaſion of the ambitious poor Man objected. I have ſpoken of the Many; and in ſpeaking of the Many, implicitly of the Few: for as in an equal Commonwealth, for example in *England* during the Peerage or Ariſtocracy, the Many depended upon or were included in the Few; ſo in an equal Commonwealth the Few depend upon or are included in the Many, as the Senat of *Venice* depends upon, or is included in the Great Council, by which it is annually elected in the whole or in ſom part. So what was ſaid in an equal Commonwealth of the Many or the poorer ſort, is alſo ſaid of the Few or of the Richer; who, thro the virtue of the Agrarian, as in *Oceana*, or of other Orders ſupplying the defect of an Agrarian, as in *Venice*, not able to overbalance the People, can never have any Power to diſturb the Commonwealth in caſe they had ſuch an Intereſt, nor can have any ſuch Intereſt in caſe they had ſuch Power. For example in *Oceana*, putting the caſe that the Few were as powerful as it is poſſible they ſhould be; that is, that the whole Land was fallen into five thouſand hands: The five thouſand, excluding the People, could get no more Riches by it, becauſe they have the whole Land already; no more Liberty by it, becauſe they were in perfect Liberty before; nor any more Power by it, becauſe thro the equality of the Balance, or of their Eſtates, they can be no more by themſelves than an equal Commonwealth, and that they were already with the People: but would be much leſs, the Power or Commonwealth, in which there be five thouſand Equals, being not greater, but much leſs than the Power or Commonwealth wherin the whole People are equal; becauſe the Power or Effect of a greater People is proportionably greater than the Power or Effect of a leſſer People, and the Few by this means would get no more than to be the leſſer People. So the People being no bar to the Riches, Liberty, nor Power of the five thouſand, and the deſire of Liberty, Riches, and Power, being the only cauſes of Sedition; there could ariſe no Sedition in this Commonwealth by reaſon of the Nobility, who have no ſuch Intereſt if they had the Power, nor have any ſuch Power if they had the Intereſt, the People being equally poſſeſt of the Government, of the Arms, and far ſuperior in number. In ſum, an equal Commonwealth conſiſts but of one hereditary Order, the People, which is by election divided into two Orders, as the Senat and the Congregation in *Lacedemon*, or the Senat and the Great Council in *Venice*; for the Gentlemen of *Venice*, as has bin often ſaid, are the People of *Venice*, the reſt are Subjects. And an inequal Commonwealth conſiſts of two Hereditary Orders, as the *Patricians* and *Plebeians* in *Rome*, wherof the former only had a hereditary Capacity of the Senat: whence it coms to paſs that the Senat and the People in an equal Commonwealth having but one and the ſame Intereſt, never were nor can be at variance; and that the Senat and the People in an inequal Commonwealth having two diſtinct Intereſts,

Book I. tereſts, never did nor can agree. So an equal Commonwealth cannot be ſeditious, and an inequal Commonwealth can be no other than ſeditious.

IF a man be reſolv'd, as the Conſiderer is, to huddle theſe things together, there is no making any thing of this kind of Policy; of which therfore it will be a folly to talk. For example, *Lacedemon* is either to be conſider'd as not taking in the Helots; and then in her ſelf ſhe was an equal Commonwealth void of any Sedition, or cauſe of it, how much ſoever ſhe were troubl'd with the Helots: So the Objection made by him, of her Troubles by the Helots, is impertinently urg'd, to ſhew that ſhe was a ſeditious Commonwealth: Or if he will needs have it, that ſhe took in the Helots, it is undeniable that ſhe took them in inequally, and ſo was inequal; whence the Troubles by the Helots muſt needs be impertinently urg'd againſt an equal Commonwealth.

AGAIN, when I allege *Venice* from PIERO GRADENIGO, that is, for the ſpace of about four hundred years from the preſent date, at which time the Reformation, yet in force, began, as an Example of an equal Commonwealth; for him to inſtance in the times before, when tho the Commonwealth, according to the intention, was as equal as now, yet being not bound by ſufficient Orders to give her ſelf Security of her native Liberty, her Dukes on the one ſide did what they pleas'd, and the inrag'd People on the other ſide baniſh'd, condemn'd to death, or murder'd them; who ſees not the Impoſture? Indeed he bluſhes at it himſelf. Wherfore my Aſſertion being not yet knock'd on the head, he promiſes to kill it better, firſt by the example of *Lacedemon leaving out the Helots*, and next by that of *Venice ſince the time of* PIERO GRADENIGO.

Conſid. *p.* 60. Pauſan. Lacon. FOR the firſt you muſt know that once upon a time there was a quarrel between CLEOMENES and DEMARATUS Kings of *Lacedemon* about Succeſſion, which was determin'd by the *Ephori*, that is, by a Court of Juſtice, and not by the Sword; the like happen'd in Plut. Alcib. LEOTYCHIDES the known Baſtard of ALCIBIADES, or ſo confeſt to be by his Mother to divers of her Maids. Now this is a Maxim in the Politics, *Where the differences of Kings can go no further than a Court of Juſtice, there the Government is ſeditious.* Moſt ridiculous! Is there a ſtronger Argument that ſuch a Government is not ſeditious? No matter, give him room; *Much more fatal was the conteſt between* CLEONYMUS *and his Brother* AREUS *the Son of* ACROTATUS, *by whoſe War* ZARAX *was ruin'd, and* PYRRHUS *came into the game, who beſieg'd the Capital City: the Reign of* AGIS *and* CLEOMENES *was ſo full of turbulency, as would put a man out of breath to relate.* Fair and ſoftly: was not all this after LYSANDER, and the Spoils of *Athens* had broken the Agrarian, and ſo ruin'd *Lacedemon*? I affirm there can be no Sedition in an equal Commonwealth; and he to oppoſe me, ſhews that there was Sedition in an inequal one; whether dos this affirm his Aſſertion or mine?

BUT for better luck in *Venice*. *This City by Mr.* HARRINGTON's *own Confeſſion is poſſeſt of ſeveral Advantages.* Yes, I ſay that the Commonwealth of *Venice*, thus ſeated, is like a man in a Citadel, who therby may be the ſafer from his Enemys, but ne'er a whit the ſafer from diſeaſes. What concluſion would you expect he ſhould infer from hence? *Why among theſe therfore there is good cauſe to reckon her Immu-*

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Immunity from Seditions: Dos not our Logician repeat faithfully, and diſpute honeſtly? Again, Sir, *ſhe is like a ſhip ready to be boarded by Pirats, has the* Turc *on this Frontier, the Pope on that, the King of* Spain *on another.* As if this were an Argument every Government muſt not be void of Sedition, ſeeing there is none except they be Ilands, whoſe Frontiers are not bounded by the Territorys of other Princes. Well, *but ſince the laſt Reglement* (in Engliſh, Reformation) *in the time of* GRADENIGO, you have had three Seditions in *Venice*, that of MARINO BOCCONI, that of BAIAMONTE TIEPOLO, and that of MARINO FALERIO. Chap. 8.

BODIN has bin long ſince beaten for this like a Stockfiſh, and yet our Author will be ſerving it up for a Courtly diſh. BOCCONI would have kill'd the Duke, but was hang'd before he could do it. FELTON kill'd a Duke that had greater power here than the other in *Venice*, and was hang'd afterwards, therefore *England* was a ſeditious Government; for this muſt either be undeniable for FELTON's ſake, or why muſt the other be ſo for BOCCONI's? Again, FALERIO and his Complices would have deſtroy'd the great Council, but were hang'd before they could do it. VAUX and his Accomplices would have blown up the Parlament, but were hang'd before they could do it; therefore *England* was in this relation a ſeditious Government, elſe why was *Venice?* There paſſes not a month but there dy Rogues at *Tyburn*, is the Government therfore ſeditious? or is this one regard in which it is not? Where all that ſo invade the Government are by virtue of the ſame brought to that end, there the Commonwealth, or the Orders of it, are not the cauſe but the cure of Sedition; and ſo theſe are undeniable Arguments that *Venice* is not ſeditious, where, ſince the Reformation, there has not been a cut finger upon this ſcore, ſave only thro the conſpiracy of BAIAMONTE, which indeed came to blows. Nor for this yet can *Venice* be call'd a ſeditious Commonwealth. You find no man accuſing *Rome* of Sedition, in that ſhe had a MANLIUS or a MELIUS that dangerouſly affected Monarchy, becauſe to theſe her Orders, by which they ſuffer'd Death, as ſoon apply'd the Remedy. But *Rome* was a ſeditious Commonwealth, becauſe the perpetual feud that was between the Senat and the People ſprung out of her Orders, and was that to which there was no Remedy to apply. *England* was not a ſeditious Government becauſe it had a VAUX or a FELTON, but becauſe the Power antiently of the Nobility, and late of the People, was ſuch by the Orders of the ſame as might at any time occaſion Civil War. Put the caſe a Slave or ſome deſperat Fellow has kill'd the Great *Turc*, the Government for that cannot be ſaid to be ſeditious, but in this, that thro the very nature of the Policy, the Janizarys at any time may do as much, it is undeniably ſeditious. BAIAMONTE's Conſpiracy he will not ſay was of this nature. It was not a Diſeaſe in the Bones of the Commonwealth, but a thing that no ſooner appeared, or broke out (tho it be true, there happen'd a little ſcratching firſt) than it fell off like a Scab; ſuch an accident might befal the beſt Conſtitution, and *Venice* never had the like but once: if he could ſay as much of a Monarchy, he gains no advantage; yet let him ſay it, and prove it, I give him all. I omit many Falſhoods and Abſurditys in the proceding of the Prevaricator, as where he intimats the Power of the Dukes to have bin that wherby *Venice* gain'd I know not what, and yet to have bin

bin that alſo by which FALERIO had lik'd to have ſpoil'd all: each of which, the Duke of *Venice* having no power at all, is known to be falſe. Why ſhould I ſtay to put you in mind that having affirm'd *Venice* to derive her Immunity from inteſtin Diſcord no otherwiſe than a Ship that is ready to be boarded by Pirats, he inſtances in ſuch examples to the contrary, as took occaſion by the hair of a foren ſcalp, while in thoſe of BOCCONI and TIEPOLO the Commonweath by her Wars with the *Genoeſe* and *Ferrara*, was put to her plunges, and in that of FALERIO reduc'd to the laſt Extremity? I ſhall only note, that if ſuch ſudden flaſhes as theſe may com under the name of Sedition, he has done a fine Office for Monarchy, ſeeing no Senat is ſo much expos'd to like blows as any Prince.

WELL; but for all this it is confeſt that there may be ſuch a thing as a ſeditious Commonwealth, in that the feud between the Senat and
Conſid. *p.* 48. the People of *Rome* cou'd not be cur'd; *What Security*, ſays he, *will you give us, that the like may not happen in* Oceana, *or that the whole body of the People being intruſted with giving a Vote, and keeping a Sword, may not by way of Council or Arms, fall to ſuch work as levelling the five thouſand, or bringing the Agrarian from two to one thouſand pounds a year, or leſs, as they fancy.*

TO which I anſwer by a like queſtion, What ſecurity will he give me that the People of any Commonwealth ſhall not caſt themſelves into the Sea? A Prince may be mad, and do ſo, but the People are naturally incapable of ſuch madneſs. If men will boaſt of their knowlege in Principles, and yet talk of nothing but effects, why may not a Man fly as well as a Bird? But if Cauſes may be regarded, let him once ſhew how the Will, ſeeing it is not free, nor mov'd without ſom Object, ſhould move the People in ſuch a manner; or for what, they having all the Liberty and all the Power that can be had, ſhould it ſtrive? Well, that is ſoon don, *for the Land may com into the hands of five thouſand, and ſo the Booty may be great, and the Reſiſtance ſmall.* Good: The *Romans* being the wiſeſt of all People, went no further towards the remedy of their Grievances, than to ſtrive for the introduction of an Agrarian, in which they fainted too, even to the deſtruction of that Government. Except theſe, none have bin ſo wiſe; and if there be any ſuch thing familiar with the nature of the People, why appear'd it but once, and then vaniſh'd without effect? why did not the People for example under the late Monarchy (when the Dominion or Freehold of the Nation, by greater ſhares, was in a ſmaller Party, and they had not only Riches, but Liberty and Power too, to whet them on) ever ſo much as think of levelling three hundred Men? for the Nobility and Clergy, in whom was the Balance, were no more. If it be reply'd that the People were not arm'd; by whom did the Barons make War with the Kings? If they were not truſted with a Vote; what was that of the Houſe of Commons? Let Dominion or Freehold ſtand upon what Balance you will, inequal or equal, from the beginning of the world you ſhall never find a People turning Levellers. And as Reaſon is Experience in the Root, ſo Experience is Reaſon in the branch, which might therfore be ſufficient in the caſe. Nevertheleſs for clearer ſatisfaction in a point of ſuch concernment, I ſhall endeavour to dig up and diſcover the root of this branch, or the reaſon of this Experience. That which in Beaſts is Inſtinct, wherof they can give no account, is in it ſelf that Wiſdom of God wherby

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wherby he provides for them; ſo it was with the People, they are not Levellers, nor know they why, and yet it is, becauſe to be Levellers were to deſtroy themſelves. For, ſeeing I muſt repeat, to repeat briefly; There is no Territory of any Extent and Populouſneſs where the Revenue of Induſtry is not twice as much as the dry Rent. This has bin demonſtrated in *Oceana*. The Revenue of Induſtry is in thoſe that work, that is, the People: Wherfore the Revenue of the People, where their Induſtry is not obſtructed, is twofold to that of the Nobility, holding the whole Territory in Freehold. But where their Induſtry is obſtructed, their Revenue is nothing. Civil War being of all other the greateſt Obſtruction of Induſtry, the People in taking Arms muſt venture all they have, for that, which if they obtain they loſe two for one; and if they obtain not, all for nothing. Wherfore a People never will, nor ever can; never did, nor ever ſhall take Arms for Levelling. *But they are intruſted with a Vote*; and therfore taking away the Lands of the five thouſand, or diminiſhing the Agrarian by way of Counſil, they need not obſtruct their Induſtry: but, preſerving the Revenue of that, may bring themſelves into the poſſeſſion of the Land too. This will they, this can they leſs do, becauſe being in Counſil they muſt propoſe ſomthing for the advantage of the Commonwealth, or of themſelves, as their end in ſuch an Action. But the Land coming to be in the poſſeſſion of five thouſand, falls not into a number that is within the compaſs of the Few, or ſuch a one as can be Princes, either in regard of their Number, or of their Eſtates; but to ſuch a one as cannot conſent to aboliſh the Agrarian, becauſe that were to conſent to rob one another: nor can they have any Party among them, or againſt their common Intereſt, ſtrong enough to force them, or to break it; which remaining, the five thouſand neither are nor can be any more than a popular State, and the Balance remains every whit as equal, as if the Land were in never ſo many more hands. Wherfore the Commonwealth being not to be better'd by this means, the People by Counſil can never go about to level, nor diminiſh the Agrarian for the good of the Commonwealth. Nor can they undertake it for the inrichment of themſelves, becauſe the Land of *Oceana*, as has bin demonſtrated, being level'd or divided equally among the Fathers of Families only, coms not to above ten pounds a year to each of them, wheras every Footman coſts his Maſter twenty pounds a year; and there is not a Cottager having a Cow upon the Common, but with his own Labour, at one ſhilling a day, gets twenty pounds a year; which, the Land being level'd, were impoſſible, becauſe there would be nobody able to ſet a Labourer on work, or to keep a Servant: wherfore neither would, nor could the People by Counſil go about any ſuch buſineſs. So there being no poſſible cauſe of Diſagreement between the Few and the Many, the Senat and the People, there can be no ſuch effect; whence this is the *Government, which being perfectly equal, has ſuch a Libration in the frame of it, that no man in or under it can contract ſuch an Intereſt or Power, as ſhould be able to diſturb the Commonwealth with Sedition.* Yet after all this, the Prevaricator *will only tell Mr.* HARRINGTON (for to deny the Concluſion is a fair way of diſputing) *that this Libration is of the ſame Nature with a perpetual Motion in the Mechanics.* But let me tell him, that in the Politics there is nothing mechanic, or like it. This is but an Idiotiſm of ſom Mathe-

Chap. 8.

Conſid *p.* 67.

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Book I. matician reſembling his, who imagin'd the Stream of a River to be like that of his Spiggot.

Ruſticus expectat dum defluat amnis, at ille
Labitur & labetur in omne volubilis ævum.

The ſilly Swain upon a River ſtood,
In hope the rolling Bottom of the Flood
Would once unwind it ſelf, whoſe liquid Clew
The ſilver thread for ever ſhall renew.

THE Mathematician muſt not take God to be ſuch a one as he is. Is that of the Sun, of the Stars, of a River, a perpetual Motion? Even ſo *one Generation gos and another coms. Nature*, ſays GALEN, *has a tendency to make her Creature immortal, if it were in the capacity of the matter on which ſhe has to work*; but the People never dys. This motion of theirs is from the hand of a perpetual Mover, even God himſelf, *in whom we live, and move, and have our being*; and to this Current the Politician adds nothing but the Banks, to which end, or none, the ſame God has alſo created human Prudence. Wherfore there is not any thing that raiſes it ſelf againſt God or right Reaſon, if I ſay that it is in human Prudence ſo to apply theſe Banks, that they may ſtand as long as the River runs; or let this Conſiderer conſider again, and tell me out of Scripture or Reaſon, why not. Mathematicians, it is true, pretended to be the Monopoliſts of Demonſtration; but ſpeak ingenuouſly, have they, as to the Politics, hitherto given any other Demonſtration, than that *there is a difference between Seeing, and making of Spectacles?* Much more is that compariſon of the Politics, going upon certain and demonſtrable Principles, to Aſtrologers and Fortunetellers, who have none at all, vain and injurious. For as in relation to what DAVID has ſaid, and Experience confirm'd, of the Age of Man, that it is *threeſcore years and ten*; I may ſay, that if a Man lys bed-rid, or dys before threeſcore years and ten, of any natural Infirmity or Diſeaſe, it was not thro any imperfection of Mankind, but of his particular Conſtitution: So in relation to the Principles and Definition of an equal Commonwealth yet unſhaken, nay untouch'd by this Prevaricator, I may ſafely affirm, that a Commonwealth is a Government, which if it has bin ſeditious, it has not been from any imperfection in the kind, but in the particular Conſtitution, which where the like has happen'd, muſt have bin inequal. My Retreat to theſe Principles is call'd *running into a Bog*; as if ſuch as have no Principles were not Bogs, *Informis limus, Stygiæque paludes.*

Galen. de uſu partium, *l.* 4.

CHAP.

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CHAP. IX.

Whether Monarchy coming up to the perfection of the kind, coms not ſhort of the perfection of Government, and has not ſom flaw in it. In which is alſo treated of the Balance of France; *of the Original of a landed Clergy; of Arms, and their kinds.*

ON Monarchy I have ſaid, that wheras it is of two kinds, the one by Arms, the other by a Nobility; for that by Arms, as (to take the moſt perfect model) in *Turky*, it is not in Art or Nature to cure it of this dangerous flaw, that the *Janizarys* have frequent Intereſt, and perpetual Power to raiſe Sedition, or tear the Magiſtrat in pieces. For that by a Nobility, as (to take the moſt perfect Model) of late in *Oceana*, it was not in Art or Nature to cure it of that dangerous flaw, that the Nobility had frequent Intereſt and perpetual Power by their Retainers and Tenants to raiſe Sedition, and levy War: whence I conclude that Monarchy reaching the perfection of the kind, reaches not the perfection of Government, but muſt ſtill have ſome dangerous flaw in it.

THIS place (tho I did not intend by it to make work for a Tinker) could not be of leſs concernment, than it proves to the Prevaricator, who, as if he were oblig'd to mend all, falls firſt to patching with a Monarchy by Arms, then with a Monarchy by a Nobility: at length deſpairing, throws away each, and betakes himſelf with egregious confidence, to make out of both a new Monarchy, which is neither. By obſervation of theſe three flouriſhes, the preſent Chapter may be brought into ſome method. The firſt blow of his hammer, or that wherby he intends the flaw or hole in Monarchy by Arms ſhall henceforth be mended and tite, is this: *That the Guards of the King's Perſon be not increas'd beyond the neceſſity of ſecurity; that they be not ſuffer'd to ſtagnat at Court, but be by a perpetual circulation drawn out upon ſervice; and chiefly that they conſiſt not of one entire Body united under the ſame Head, but be divided into diſtinct Partys and Commands; as we may ſee in* France, *where tho (in proportion to the extent of their Dominions) the King's Guards be more numerous than thoſe of the* Roman *or* Turkiſh *Emperors, yet being divided into diſtinct Bodys of* French, Scots *and* Switzers, *under their ſeveral Colonels and Captains, they have never bin the Authors of any the leaſt Sedition. And in* Turky *of late years they begin to learn the Art of poiſing the* Janizarys *by the* Spahys, *and ſo have frequently evaded the danger of their Mutinys.* Which fine work at firſt view goes upon this falſe ground, *that the Foundation of Monarchy by Arms is laid upon the Prince's Guards or the Court Militia*, wheras Monarchy by Arms conſiſts in no other Balance than the Prince's being ſole Landlord, which, where imperfect, as it was in that of the *Roman* Emperors, the Empire is the moſt troubl'd; and where perfect, as in *Turky*, the Empire is leſs ſeditious. For that which he ſays of *France*, it relates to Monarchy by a Nobility; and therfore is not to be confounded, according to this method, with this, but refer'd to the next branch.

Confid. *p.* 46.

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Book I. As to Monarchy by Arms, tho it be true that the balance of Dominion in any of the three kinds may be ſaid to be natural, in regard of the effect; yet ſeeing God *has given the Earth to the Sons of Men*, that of a ſole Landlord, as *Turky*, is not ſo natural in the cauſe or foundation, as the *Timars*, and therfore requires the application of ſom kind of force, as the *Janizarys*, who are not the root of the Government, that being planted in the Earth of the *Timars*, or military Farms and Colonys (for that the *Janizarys* are not the Foundation of this Empire, which was founded long before, is plain, in that this Order was not introduc'd till AMURATH the Second) but the Dragon that lys at that root, and without which the Fruit would fall into the mouths of the *Timariots* by way of Property (as when the Knights Fees granted firſt for life, became afterwards hereditary in *Oceana*) which would cauſe ſuch a fall from Monarchy, that it would becom, as we have ſeen, the riſe of popular Power (the Lots, in caſe this ſhould happen, of the *Timariots*, little differing from thoſe divided by JOSHUA to the Children of *Iſrael*) wherfore when this happens in the *Turkiſh* Monarchy, it is at an end. And that this dos not happen, tho there be divers other concurrent Policys, I would have any man ſhew me, how it could be but for the *Janizarys*. Otherwiſe it is plain that the *Janizarys* being a flying Army, on wing at all games, and upon all occaſions, are not ſo much the Guard of the Prince, as of the Empire; which ruin'd, the Prey falls to the *Timariots*, as thoſe that are in poſſeſſion, except theſe be ruin'd too, who being all Horſe, and far greater in number than the *Janizarys* that are Foot, would (in caſe the aw of the Prince, and the Policy of the Government which holds them divided, were broken) be invincible by the *Janizarys*, who nevertheleſs by theſe aids can eaſily contain them. *Whence the Sedition of the* Janizarys, *like that of a Nobility, may be dangerous to the Prince, but never threatens the Throne; wheras the Sedition of the* Timariots, *like that of a People, would be more againſt the Throne than the Prince.* Theſe things conſider'd, and in them the Nature, Conſtitution, or Diſeaſe of Monarchy by Arms, we may conſult the more rationally with the Conſiderer upon the Applications or Remedys by him offer'd, which are three.

FIRST, *That the Guards of the King's Perſon be not increas'd beyond the neceſſity of Security.* But of what Security, that of his Perſon, or of his Empire, or of both? for ſpeaking of a Monarchy by Arms, in this latter ſenſe only it is true: and if ſo, then this ſingular Maxim of State (*Fruſtra fit per plura, quod fieri poteſt per pauciora*) might have bin ſpar'd (*Cela s'en va ſans le dire, comme les heures de noſtre curè.*)

SECONDLY, *That they be not ſuffer'd to ſtagnat at Court, but be by a perpetual circulation drawn out upon ſervice*; for if there be not perpetual ſervice, it ſhould ſeem, men might be apt to think that Government was inſtituted for Peace as well as War. I add no more than is imply'd in his words, which as to this of *Turky* have chanc'd well; where not the Stagnation of the *Janizarys* only, but of the Court it ſelf (which by the inſtitution ſhould always be in exerciſe of Arms) is the cauſe of that preſent decay, ſo perceivable in this Empire. But the Prince ſitting ſtill or ſtagnating, to what the Circulation of the *Janizarys* (whoſe Alienation from the Government, or Intelligence with the *Timariots*, muſt needs be of dangerous conſequence) could tend,

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tend, ſhould have bin thought on: otherwiſe to expoſe the Empire to danger for the ſafety of the Prince, is no cure of the Government. Chap. 9.

BUT his chief Remedy remains: *This Court Militia muſt not conſiſt of one intire body united under the ſame head, but be divided under ſeveral Colonels, Captains, Partys, Brigades*, and diſtributed to ſeveral Quarters. As if this were a cure, there were any Army that could be mutinous: but where he ſays, *not united under the ſame Head*, he intimats perhaps divers Generals, and divers Armys; now ſuch are the *Turkiſh Beglerbegs*, and the Provinces under their Governments. That theſe therfore be kept divided, ſo that not any two of them can lay their heads together without having them cut off, nor any Son ſuccede the Father in Government, requires that there be always a ſufficient force (diſtinct from the Intereſt of the *Timariots* and *Beglerbegs*) united, and ſtill ready upon occaſion of this ſervice; and the *Janizarys* with the *Spahys* or Court-Horſe being united, are no more than ſufficient for this ſervice. Wherfore if theſe alſo were ſo divided as therby to be weaken'd, they could not be ſufficient for this ſervice; and their diviſion, except ſuch as might weaken them, would be of no ſecurity to the Prince. That the Provinces, under this aw, are leſs apt to rebel, than the Court-Guards to mutiny, is no wonder; but the Court-Guards being cur'd by the preſcription of this Phyſician, of the poſſibility of Mutiny, which without weakening them is impoſſible, the Provinces, if Liberty, or Riches, or Power be deſirable, would never indure the yoke of this Government. Wherfore it being inavoidable in the *Turkiſh* Empire, that either the *Janizarys*, or the *Timariots* may do what they liſt (in regard that whether of them be able to give Law to the other, muſt at the ſame time be able to give Law to the Prince; and to bring them to an equal Balance, were to make a Civil War, or at leaſt to ſow the Seed of it) the native Wound of Monarchy by Arms remains incur'd and incurable. What more may be don for Monarchy, *founded upon a Nobility*, coms next to be try'd. In this the Conſiderer gives his word, that *there never riſes any danger to the Crown, but when either a great part of the Soverain Power is put into the hands of the Nobility, as in* Germany *and* Poland (where it ſhould ſeem by him, that the Electors and the Gentry do not put Power into the hands of the Emperor, or King, but the Emperor or King puts Power into the hands of the Electors or Gentry) *or when ſom Perſon or Family is ſuffer'd to overtop the reſt in Riches, Commands, and Dependance, as the Princes of the Blood and* Lorrain, *not long ſince, in* France; *and of old the* MONTFORTS *and* NEVILS *in* England. The firſt of theſe he declares to be *a vicious Government, and a Monarchy only in name:* The ſecond he undertakes ſhall *eaſily admit of this Remedy*; *That the great ones be reduc'd* (decimo ſexto) *to a leſſer Volum, and level'd into an Equality with the reſt of their Order.* Conſid. *p.* 47.

HIS Putpin is pretty: *The Emperor puts Power into the hands of the Electors*; *and the King of* Poland *puts Power into the hands of the Gentlemen: Which Governments therfore* (and all ſuch like, as when the King of *England* did put power into the hands of the Barons, at ſuch a time as he was no longer able to keep it out of their fingers, by which means the antient and late Government of King, Lords and Commons, was reſtor'd) *are vicious Conſtitutions, and Monarchys only in name*; ſuch as he will not meddle with, and therfore let them go. Well; but where is the Patient then? if theſe be not Monarchys by Nobility, what

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Book I. what do we mean by that thing? or what Government is it that we are to cure? Why ſuch a one, *where ſom Perſon or Family is ſuffer'd to overtop the reſt in Riches, Commands, and Dependence, as the Princes of the Blood and* Lorrain, *not long ſince, in* France; *and of old the* MONTFORTS *and the* NEVILS *in* England. So then the ſame again (for theſe are no other) upon recollection, are thoſe *that admit of this eaſy cure. Let the Great Ones be reduc'd to a leſſer Volum, and level'd with the reſt of their Order.* But how? if they be the weaker Party, they are not the Great Ones; and if they be the ſtronger Party, how will he reduce them? Put the caſe a man has the Gout, his Phyſician dos not bid him reduce his overtopping Toes to the Volum of the other Foot, nor to level them to equality with the reſt of their Order, but preſcribes his Remedys, and inſtitutes the Method that ſhould do this feat. What is the Method of our ÆSCULAPIUS? *Point de Novelle*, or where are we to find it? *e'en where you pleaſe. The Princes of the Blood, and of* Lorrain *in* France; *the* MONTFORTS *and the* NEVILS *in* England, overtop'd not their Order by their own Riches or Power, but by that of the Party, which for their Fidelity, Courage, or Conduct, intruſted them with the managing of their Arms or Affairs. So the Prince that would have level'd them, muſt have level'd their Party; which in caſe the Controverſy be upon the Right, or pretended Right of the Nobility in the Government, which commonly makes them hang together, may com to the whole Order: what then? Why then, ſays he, the Prince muſt *preſerve his Nobility weighty enough to keep the People under, and yet not tall enough in any particular Perſon to meaſure with himſelf:* which, abating the figure, is the ſame again; and ſo I have nothing to anſwer but the figure. Now for this, the Prince himſelf is no otherwiſe tall, than by being ſet upon the ſhoulders of the Nobility; and ſo if they ſet another upon the ſame ſhoulders (as in HENRY the *4th* or the *7th*, who had no Titles to the Crown, nor could otherwiſe have meaſur'd with the Prince) be he never ſo low, he coms to be tall enough in his particular perſon to meaſure with the Prince, and to be taller too, not only by thoſe old examples, but others that are younger than our ſelves, tho ſuch (the Nobility having not of late bin weighty enough to keep the People under) as derive from another Principle, that of popular Balance. A Prince therfore preſerving his Nobility weighty enough to keep the People under, muſt preſerve in them the balance of that kind of Empire: and the balance containing the Riches, which are the Power, and ſo the Arms of the Nation; this being in the Nobility, the Nobility, when willing, muſt be able to diſpoſe of the King, or of the Government. Nor under a leſs weight is a Nobility qualify'd to keep down the People, as by an Argument from the contrary. HENRY the *7th* having found the ſtrength of his Nobility, that ſet him in a Throne to which he had no right, and fearing that the Tide of their Favour turning, they might do as much for another, abated the dependence of their Tenants, and cut off their Train of Retainers; which diminution of their weight, releaſing the People by degrees, has caus'd that Plain or Level into which we live to ſee the Mountain of that Monarchy now ſunk and ſwallow'd: wherfore the Balance of the Nobility being ſuch as failing, that kind of Monarchy coms to ruin; and not failing, the Nobility, if they join, may give Law to the King, the inherent diſeaſe of a Monar-

Conſid. *p.* 49.

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chy by a Nobility remains alſo uncur'd and incurable.

Chap. 9.

THESE are points to which I had ſpoken before; but ſomthing concerning *France* and foren Guards was mumbled by the Prevaricator in a wrong place, while he was ſpeaking of *Turky*, where there is no ſuch thing. This, leſt I be thought to have courted oppoſition for nothing, ſhall open a new Scene; while I take occaſion in this place to ſpeak firſt of the Balance of the *French* Monarchy, and next of the Nature and Uſe of Foren Guards.

The Balance of France.

THE whole Territory of *France* except the Crown Lands, which on this account are not conſiderable, conſiſts of three ſhares or parts, wherof the Church holds one, the Nobility another; and the Preſidents, Advocats, other Officers of the Parlaments, Courts of Juſtice, the Citizens, Merchants, Tradeſmen, the Treaſurers, Receivers of the Cuſtoms, Aids, Taxes, Impoſitions, Gabels, all which together make a vaſt body, hold a third: by how equal Portions I am ſorry that I do not know, nor where to learn: but this is the Balance of the *French* Monarchy, to which the Peaſant holding nothing, but living (tho in one of the beſt Countrys of the World) in the meaneſt and moſt miſerable Condition of a Laborer, or Hynd, is of no account at all.

THE Partys that hold the Balance in a Territory are thoſe of whom the Government does naturally conſiſt, wherfore theſe are call'd Eſtates; ſo the Clergy, the Nobility, and the Commons, are the three Eſtates of *France*. Tho the third, becauſe the Peaſant partaking not of the Balance can (in relation to Government) be of no account, is not call'd the Commons, but only the third Eſtate: wheras the Yeomanry and Gentry in *England* having weigh'd as well in the Balance as the Church and the Nobility, the three Eſtates of *England* (while the Monarchy was in vigor) were the Clergy, the Nobility, and the Commons. *The Conſent of Nations evinces that the Function of the Clergy, or Prieſt, except where otherwiſe determin'd by Law, appertains to the Magiſtrat. By this right* NOAH, ABRAHAM, JOB, *with the reſt of the Patriarchs, inſtructed their Familys, or ſacrific'd. There ſeems to have bin a kind of Commonwealth in* Canaan, *while* MELCHIZEDEC *was both King and Prieſt. Such alſo was* MOSES, *till he conſecrated* AARON, *and confer'd the Prieſthood upon the* Levits, *who are expreſly ſaid to ſuccede to the firſtborn, that is to the Patriarchs, who till then exercis'd that Function. Nor was it otherwiſe with the* Gentils, *where they, who had the Soverain Power, or were in eminent Magiſtracy, did alſo the Prieſtly Office* (omnino apud veteres qui rerum potiebantur, iidem Auguria tenebant: ut enim ſapere, ſic divinare, regale ducebant, *ſays* CICERO; *and* VIRGIL, REX ANIUS, Rex idem hominum, PHOEBIQUE Sacerdos.) *You find the Heros, that is Princes, in Poets, ſacrificing.* The Ethiopian, Egyptian, Lacedemonian *Kings did the like. In* Athens *conſtantly and in* Rome, *when they had no Kings, occaſionally they elected a* Rex ſacrorum, *or King Prieſt.* So that a free People had thus far Power of electing their Prieſts, is not deny'd by any man. This came, it ſhould ſeem, to be otherwiſe eſtabliſh'd by the Law in *Egypt*, where the Prieſts (whoſe Lands JOSEPH when he bought thoſe of the People did not buy) being great Landlords, it may be to the Third of the whole Territory, were one of the three Eſtates of the Realm. And it is clear in Scripture that the People, till they ſold their Lands, became not Servants to

Grotius de Imp. Sum. Pot. circa ſacra. C. 2. S. 4.

Original of a Landed Clergy.

Gen. 47. 22.

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Book I. PHARAOH. While AGESILAUS was in *Egypt* they depos'd their King, which implys the recovery of their Balance; but ſo, ſeeing they ſet up another, as withal ſhews the Balance of the Nobility to have bin predominant. Theſe Particulars ſeem to com near to the account of DIODORUS SICULUS, by whom the Balance of *Egypt* ſhould have ſtood thus: *The whole Revenue was divided into three Parts, wherof the Prieſt had the firſt, the King had the ſecond, and the Nobility had the third.* It ſeems to me that the Prieſts had theirs by their antient Right and Title, untouch'd by JOSEPH; that the Kings had all the reſt by the purchaſe of JOSEPH; and that in time, as is uſual in like caſes, a Nobility came thro the bounty of ſucceeding Kings to ſhare with them in one half. But however it came about, *Egypt* by this means is the firſt example of a Monarchy upon a Nobility, at leaſt diſtributed into three Eſtates by means of a Landed Clergy, which by conſequence came to be the greateſt Counſillors of State, and, fitting Religion to their uſes, to bring the People to be the moſt ſuperſtitious in the whole World.

Xenoph. in Orat. de Ageſ.

L. 1.

WERE it not for this Example, I ſhould have ſaid, that the Indowment of a Clergy or religious Order with Lands, and the erecting of them into an Eſtate of the Realm or Government, were no antienter than the *Goths* and *Vandals*, who introducing a like Policy, which to this day takes place throout the Chriſtian World, have bin the Cauſe;

FIRST, Why the Clergy have bin generally great Counſillors to Kings, while the People are led into Superſtition.

SECONDLY, By planting a religious order in the Earth, why Religion has bin brought to ſerve worldly ends.

AND, Thirdly, by rendring the Miter able to make War; why of latter Ages we have had ſuch a thing as War for Religion, which till the Clergy came to be a third State or Landlords, was never known in the World: For that ſome Citys of *Greece*, taking Arms upon the Uſurpation or Violation of ſom Temple, have call'd it the *Holy War*; ſuch Diſputes having bin put upon matter of Fact, and not of Faith, in which every man was free, came not to this account. MOSES *was learn'd in all the Learning of the* Egyptians; but a Landed Clergy introduced he not in *Iſrael:* nor went the Apoſtles about to lay any ſuch Foundation of a Church. Abating this one example of *Egypt*, till the *Goths* and *Vandals*, who brought in the third Eſtate, a Government, if it were inequal, conſiſted but of two Eſtates; as that of *Rome*, whether under the Kings or the Commonwealth, conſiſted of the *Patricians* and *Plebeians*, or of the Nobility and the People. And an equal Commonwealth conſiſts but of one, which is the People: for example of this you have *Lacedemon* and *Venice*, where the People being few, and having many Subjects or Servants, might alſo be call'd a Nobility, as in regard of their Subjects they are in *Venice*, and in regard of their Helots or Servants, they might have bin in *Lacedemon*. That, I ſay, which, introducing two Eſtates, cauſes Diviſion, or makes a Commonwealth inequal, is not that ſhe has a Nobility, without which ſhe is depriv'd of her moſt ſpecial Ornament, and weaken'd in her Conduct, but when the Nobility only is capable of Magiſtracy, or of the Senat; and where this is ſo order'd, ſhe is inequal, as *Rome*. But where the Nobility is no otherwiſe capable of Magiſtracy, nor of the Senat, than by Election of the People,

Thucyd. l. 1.

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People, the Commonwealth consists but of one Order, and is equal, as *Lacedemon* or *Venice*. Chap. 9.

BUT for a Politician commend me to the Considerer, he will have *Rome* to have bin an equal Commonwealth, and *Venice* to be an inequal one, which must be evinc'd by wiredrawing. For having elswhere, as has bin shewn, admitted without opposition that the Balance of *Empire is well divided into natural and provincial*, the humor now takes him to spin that wedg into such a thred, as by entangling of these two, may make them both easy to be broken. Hereto he betakes himself in this manner. *As Mr.* HARRINGTON *has well observ'd* (p. 40.) *where there are two Partys in a Republic with equal Power (as in that of* Rome, *the People had one half, and the Nobility had the other half) Confusion and Misery are there intail'd. For remedy wherof, or to avoid this, there can be no way but to make the Commonwealth very inequal.* Consid. *p.* 16. 69. 70.

IN answer to this, there will need no more than to repeat the same things honestly. Mr. HARRINGTON speaks of the national Balance of Empire (*p.* 40.) to this sense: *Where the Nobility holds half the Property, or about that proportion, and the People the other half* (the shares of the Land may be equal; but in regard the Nobility have much among Few, and the People little among Many, the Few will not be contented to have Authority, which is all their proper share in a Commonwealth, but will be bringing the People under Power, which is not their proper share in a Commonwealth; wherfore this Commonwealth must needs be inequal. And except by altering the Balance, as the *Athenians* did by the *Sisacthia*, or recision of Debts; or as the *Romans* went about to do by an Agrarian, it be brought to such an equality, that the whole Power be in the People, and there remain no more than authority to the Nobility) *there is no remedy but the one* (with perpetual feud) *will eat out the other, as the People did the Nobility in* Athens, *and the Nobility the People in* Rome. Where the Carcase is, there will be the Eagles also; where the Riches are, there will be the Power. So if a few be as rich as all the rest, a few will have as much Power as all the rest; in which case the Commonwealth is inequal, and there can be no end of staving and tailing, till it be brought to equality. Thus much for the national Balance; For the Provincial, there Power dos not follow Property, but the contrary: This the Prevaricator having acknowleg'd, lets slip, to the end he may take a gripe of *Venice*, which (because the three or four thousand of which originally consisted, and now consists that whole Government, having acquir'd Provinces, and increase of their City by later comers, do not admit these to participation of Power) he says is an inequal Commonwealth. He will be a Mill-horse, whether *the Cake be dow or not*; for this is to draw in a circle: and *Rome*, which by his former Arguments should have bin equal, by this again must be inequal, seeing *Rome* as little admitted her Provinces into the body of the Commonwealth, as dos *Venice*. This clash is but by way of Parenthesis; to return therfore to the Business in present agitation.

THE Estates be they one, or two, or three, are such (as was said by Virtue of the Balance,) upon which the Government must naturally depend. Wherfore constitutively the Government of *France* (and all other Monarchys of like Balance) was administer'd by an

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Book I. Aſſembly of the three Eſtates; and thus continu'd till that Nation being vanquiſh'd by the *Engliſh*, CHARLES the *7th* was put to ſuch ſhifts as, for the recovery of himſelf in the greateſt diſtreſs, he could make. To which recovery, while the Eſtates could not be legally call'd, he happening to attain without them, ſo order'd his affairs, that his Succeſſors, by adding to his Inventions, came to rule without this Aſſembly; a way not ſuting with the nature of their Balance, which therfore requir'd ſom Aſſiſtance by force, and other concurring Policys of the like nature, wherof the foren Guards of that Monarchy are one; the great baits alluring the Nobility another; and the emergent Intereſt of the Church a third.

TO begin with the laſt of theſe; the Church (except it be in a War for Religion, as when they join'd with the Princes of *Lorrain*, and what Party of the *French* Nobility were made, or they could make againſt the King of *Navar*) are not of themſelves ſo hot at hand, or promt to Arms: but the King being (to uſe their word) no Heretic, thro their great apprehenſion of the third Eſtate, as that which is moſt addicted to the Proteſtant Religion, may be confident they will never ſide with the People. So by this emergent Intereſt or Accident he has the Church ſure enough.

FOR the Nobility, which is exceeding gallant, this Change has the greateſt baits; for wheras the Church being not ſpar'd, the third Eſtate is laden, and the Peaſant overladen with Taxes, the Nobility is not only at better eaſe in this regard, but for the greater or more conſiderable part, receives advantage by it: the King having always, whether in Peace or War, a great Cavalry, than which there is no better in the world for the Exerciſe, Entertainment, and Profit of the Nobility: Governments of Citys, Caſtles, Provinces in abundance, which he rarely diſtributes to any other. The greater Nobility are Marechals, Generals; the leſs Officers in the Armys, ſpecially of the Horſe, the Emoluments wherof they receive alſo in time of Peace; and many of this Order being Penſioners, taſte of the King's Liberality, without taking pains, or having any Imployment at all. By which both that *France* is a Monarchy by a Nobility, and how ſhe holds her Nobility, is apparent.

NOW the Church and the Nobility ſtanding thus ingag'd to the King, by which means he has two parts of the Balance to one, it is demonſtrable that the Government muſt be quiet. Nor, ſeeing the Church for the reaſon ſhewn is ſure enough, coms the Government (ſince the Proteſtant Citys and Holds were demoliſh'd) to be otherwiſe diſquieted than by the flying out of the Nobility, which, whenever it happens in any party conſiderable, either for the Number, or the Intereſt, cauſes the Crown to ſhake; for it ſeldom coms to paſs upon this occaſion, but the third Eſtate, or ſom part of it, takes Arms immediately. In which place it is worthy to be obſerv'd, that Wealth, according to the diſtribution of the Balance, has contrary motions. The third Eſtate in *France* having Riches, and thoſe laden with Taxes, com to have ſomthing to loſe, and ſomthing to ſave: which keeps them in continual fear or hope. The Nobility holding to the King, the third Eſtate has ſomthing to loſe, which withholds them from Arms thro fear; but the Nobility flying out, the third Eſtate has ſomthing to ſave, which precipitats them into Arms thro hope: wheras the Peaſant having nothing to ſave or to loſe, to hope or to fear, never

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never ſtirs. The caſe ſtanding thus, the ſufficiency of the *French* Politician (ſince the Maſterpiece of Cardinal RICHLIEU, in demoliſhing thoſe Walls of the Proteſtants, which had otherwiſe by this time bin a Refuge for the third Eſtate, and perhaps overturn'd the Monarchy) lys altogether in finding for the Nobility work abroad, or balancing them in ſuch ſort at home, that if a party flys out, there may be a ſtronger within to reduce it, or at leaſt to be oppos'd to it. In this caſe, leſt the native Intereſt of the Nobility, ſince the Aſſemblys of the three Eſtates were aboliſh'd, might cool the remaining Party, or make them ſlower in the redreſs of ſuch Diſorder or Diſcontents than were requiſit, the King is wiſely provided of Foren Guards; which being always in readineſs, and not obnoxious to the native Intereſt, may upon like occaſions be of more Expedition and Truſt. Being com thus to foren Arms, which is the point I more eſpecially propos'd to myſelf in the preſent Diſcourſe, one Objection in relation to what has bin already ſaid, ſeems to interpoſe it ſelf. Seeing *France*, while it is not govern'd by the Aſſembly of States, is yet of the ſame Balance it was when govern'd by the Aſſembly of States; it may be ſaid that a Government of the ſame Balance may admit of divers Adminiſtrations. Chap. 9.

TO which I need make no other anſwer, than to put you in mind that while this Government was natural, or adminiſter'd by the Aſſembly of States, it is celebrated by MACHIAVEL to have bin the beſt order'd of any Monarchy in the world; and that what it is, or has bin of later times, you may believe your own eys or ears.

THERE be yet, before I can com to foren Guards, ſom previous Conſiderations. All Government, as is imply'd by what has bin already ſhewn, is of theſe three kinds: *A Government of Servants: A Government of Subjects*; or, *a Government of Citizens.* The firſt is abſolute Monarchy, as that of *Turky*: The ſecond Ariſtocratical Monarchy, as that of *France*: The third a Commonwealth, as thoſe of *Iſrael*, of *Rome*, of *Holland*. Now (to follow MACHIAVEL in part) of theſe, the Government of Servants is the harder to be conquer'd, and the eaſier to be held: The Government of Subjects is the eaſier to be conquer'd, and the harder to be held. To which I ſhall preſume to add, that the Government of Citizens is both the hardeſt to be conquer'd, and the hardeſt to be held. *Of Arms, and their kind.*

MY Author's Reaſons, why a Government of Servants is the hardeſt to be conquer'd, com to this, that they are under perpetual Diſciplin and Command, void of ſuch Intereſts and Factions, as have Hands or Power to lay hold upon Advantages or Innovation; whence he that invades the *Turk* muſt truſt to his own ſtrength, and not rely upon Diſorders in the Government, or Forces which he ſhall be ſure enough to find united.

HIS Reaſons why this Government being once broken, is eaſily held, are, that the Armys once paſt hope of rallying, there being no ſuch thing as Familys hanging together, or Nobility to ſtir up their Dependents to further Reluctancy for the preſent, or to preſerve themſelves by complacence with the Conquerors for future Diſcontents or Advantages, he that has won the Garland has no more to do but to extinguiſh the Royal Line, and wear it ever after in ſecurity. For the People having bin always Slaves, are ſuch whoſe condition he may better, in which caſe they are Gainers by their Conqueror; but can

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Book I. never make worſe, and therfore they loſe nothing by him. Hence ALEXANDER having conquer'd the *Perſian* Empire, he and his Captains after him could hold it without the leaſt diſpute, except it aroſe among themſelves. Hence MAHOMET the Second having taken *Conſtantinople*, and put PALÆOLOGUS the *Greec* Emperor (whoſe Government was of like nature with the *Perſian*) together with his whole Family, to the Sword, the *Turk* has held that Empire without reluctancy.

ON the other ſide, the Reaſons why a Government of Subjects is eaſilier conquer'd, are theſe: That it is ſupported by a Nobility ſo antient, ſo powerful, and of ſuch hold and influence upon the People, that the King without danger, if not ruin to himſelf or the Throne (an example wherof was given in HEN. *7th* of *England*) can neither invade their Privileges, nor level their Eſtates; which remaining, they have power upon every diſcontent to call in an Enemy, as ROBERT Count of *Artois* did the *Engliſh*, and the Duke of *Guiſe* the *Spaniard* into *France*.

THE Reaſons why a Government of Subjects being ſo eaſily conquer'd, is nevertheleſs the harder to be held, are theſe: That the Nobility being ſoon out of countenance in ſuch a caſe, and repenting themſelves of ſuch a bargain, have the ſame means in their hands wherby they brought in the Enemy, to drive him out, as thoſe of *France* did both the *Engliſh* and the *Spaniard*.

FOR the Government of Citizens, as it is of two kinds, an equal or an inequal Commonwealth, the Reaſons why it is the hardeſt to be conquer'd, are alſo of two kinds; as firſt, the Reaſons why a Government of Citizens, where the Commonwealth is equal, is hardeſt to be conquer'd, are, that the Invader of ſuch a Society muſt not only truſt to his own ſtrength, inaſmuch as the Commonwealth being equal, he muſt needs find them united, but in regard that ſuch Citizens, being all Soldiers or train'd up to their Arms, which they uſe not for the defence of Slavery, but of Liberty (a condition not in this world to be better'd) they have more ſpecially upon this occaſion the higheſt Soul of Courage, and (if their Territory be of any extent) the vaſteſt Body of a well diſciplin'd Militia that is poſſible in nature: wherfore *an example of ſuch a one overcom by the Arms of a Monarch, is not to be found in the World.* And if ſom ſmall City of this Frame has happen'd to be vanquiſh'd by a potent Commonwealth, *this is her Prerogative, her Towers are her Funeral Pile, and ſhe expires in her own flame, leaving nothing to the Conqueror but her Aſhes, as* Saguntum *overwhelm'd by* Carthage, *and* Numantia *by* Rome.

THE Reaſons why a Government of Citizens, where the Commonwealth is inequal, is, next the former, the hardeſt to be conquer'd, are the ſame, with this difference, that tho her Peace be not perfect within, her condition is not to be better'd by any thing without. Wherfore *Rome* in all her ſtrife never call'd in an Enemy; and if an Enemy upon occaſion of her ſtrife, and hopes of advantage by it, came without calling, he preſented her with her moſt Soverain Cure, who had no leiſure to deſtroy her ſelf, till having no Enemy to find her work, ſhe became her own.

——Nondum tibi defuit hoſtis,
In te verte manus——.

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Nor is there any example that a Government of this kind was ever subdu'd by the Arms of a Monarch; tho som indeed may be found that have call'd or suffer'd foren Princes or Force to com in, as *Holland* by Marriages of their Prince, and *Genoa* thro her Factions, as those of the FIESCI and ADORNI. Chap. 9. Guic. l. 11.

TO conclude this part as to the Reasons why a Government of Citizens so acquir'd or possest, as thro Marriage, or Faction, is the hardest to be held, there needs no more than that men accustom'd to their Arms and their Liberties will never indure the Yoke. Wherfore the *Spaniard*, tho a mighty King, no sooner began in *Holland*, a small Commonwealth, to innovat or break her Orders, than she threw him off with such Courage and Disdain, as is admirable to the World. And somwhat of the like kind did *Genoa* by the help of her DORIA in the vindication of her Liberty from *France*.

TO com by this fartheſt way about as I think the neareſt way home: Arms are of two sorts, Proper or Improper; that is, Native or Foren. *Proper and Improper Arms.*

PROPER and Native Arms are, according to the triple nature of Government, of three kinds; Servants in Arms, as the *Helots* in *Lacedemon*, the *Timariots* and *Janizarys* in *Turky*; Subjects in Arms, as the Horse in *France*, and the Seaguards or Forces in *Venice*; or Citizens in Arms, as those upon the *Lexiarcha* in *Athens*, of the *Moræ* in *Lacedemon*, and the Legions in *Rome*.

IMPROPER or Foren Arms are of two sorts; Auxiliarys, and Mercenarys.

AUXILIARYS are such as are supply'd by virtue of som League, as were those of the *Latins* and *Italians* to the *Romans*; and those of the Cantons of *Swiss* (except *Zuric*) to the King of *France*: or they may be such as are occasionally lent freely, or let forth for Mony by one State to another, the latter wherof differ not much from Mercenarys.

MERCENARYS are Soldiers of Fortune that have no other Trade than their Arms, and let out themselves for Mony; of such consisted the greatest part of the *Carthaginian* Strength, such is the Land Force of *Venice*, and, notwithstanding the Antient League of *France* with those Nations, such at this day are the *Swiss* and *Scotish* Guards (and somtimes a good part of the Foot) in *France*.

MACHIAVEL discourses upon these Particulars in his Art of War, to admiration: by whom I shall therfore steer.

WHERE the Arms in bulk are proper, and consisting of Citizens, they have other Trades, and therfore are no Soldiers of Fortune; and yet because the Commonwealth has Arms for her Trade (in regard she is *a Magistrat given for the good of Mankind, and bears not her Sword in vain*) they are all educated as well in Military as Civil Disciplin, taking their turns in service of either nature according to the occasion, and the Orders of the Commonwealth, as in *Israel*, *Athens*, *Lacedemon*, and *Rome*, which had (if their Territorys permitted, and somtimes, as I may say, whether their Territorys permitted or no, as in *Israel*) the vastest, the highest temper'd, and the best disciplin'd Militia, that is to be found in the whole compass of Story. Som Armys of *Israel* have consisted of three or four hundred thousand men: *Rome* upon the rumor of a *Gallic* Tumult, arm'd in *Italy* only, without foren Aid, seventy thousand Horse and seven hundred thousand Foot; things Plin. L. Æmilio Papo, C. Atilio Regulo Coss.

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Book I. things in our days (when the *Turk* can hardly arm half ſo many) not to be credited.

HENCE *that a Commonwealth, which had not firſt broken her ſelf, or bin broken by ſom other Commonwealth, ſhould not be found to have bin conquer'd by the Arms of any Monarch, is not miraculous, but a natural effect of an apparent Cauſe.* In this place, or upon this Text, Divines whom I would deſire not to be Enemys of popular Power, but to give MACHIAVEL his due, ſhall, if they pleaſe, hear him make a goodly Sermon, in theſe words: *If antient Commonwealths and Governments us'd Diligence in any other Order to make their People lovers of Peace, faithful to their Country, and to have the fear of God before their eys, they doubl'd it in this of their Militia: for of whom ſhould your Country expect greater Faith, than of ſuch as have offer'd themſelves to dy for her? Whom ſhould ſhe indeavour to make greater Lovers of Peace, than them who only can inſlave her by force? In whom ſhould there be greater Fear of God, than in ſuch as carry their Lives in their hands? This, when Lawgivers and Captains rightly conſider'd, was the cauſe why Soldiers were eſteem'd, honor'd, follow'd and imitated above all men in the World; wheras ſince ſuch Orders are broken, and Cuſtom is altogether deviated from the courſe of antient Prudence, men are com to deteſt the Iniquity of the Camp, and fly the Converſation of ſuch as are in Arms, as the Peſtilence.* Where the Arms in bulk are proper, but conſiſt of Subjects, they are the beſt next; and but the beſt next, as appears by all Examples antient and modern. The Arms with which PYRRHUS Prince of *Epirus* invaded the *Romans*, were of Subjects; yet that Prince, tho he was not vanquiſh'd by the *Romans*, confeſt their advantage, and gave them over. The *Spaniard* being a far more potent King than was PYRRHUS, has acknowleg'd as much to the *Hollanders*, tho a far leſs Commonwealth than *Rome*: So have the Princes of *Auſtria*, and of *Burgundy*, to the *Switzers*. That the Arms of Subjects are nevertheleſs as much ſuperior to the Arms of Servants, as inferior to the Arms of Citizens, is as plain; ſeeing as ALEXANDER, with thirty thouſand Subjects, vanquiſh'd DARIUS, having innumerable Slaves; ſo thirty thouſand Chriſtians are at this day a match for any Army of *Turks*: and we ſee *Venice*, whoſe Force by Sea conſiſts of Subjects, to have made him quit that Element near as fully to her Dominion or Empire, as did the *Perſian* to *Athens*.

Arte della Guer. Proem.

TO Arms that are proper, but conſiſt of Servants, all the preeminence that can be given is, that they are better than foren Arms; a proof wherof we have in thoſe of SELIMUS, wherby he conquer'd the *Mamalucs*; who being but a foren Force that held *Egypt* in ſubjection, the Country was irrecoverably loſt, and, for the reaſons already ſhewn, as eaſily kept.

IMPROPER Arms, whether Auxiliary or Mercenary, where the Force of a Prince or of a Commonwealth conſiſts, for the bulk or greater part, of no other, are the leaſt effectual, and the moſt dangerous of all. For Auxiliarys, or what effect has bin found of them by Princes or Commonwealths, it was ſeen in *France* during the League by the *Spaniard*; and in *Holland* during the Reign of Queen ELIZABETH by the *Engliſh*; but eſpecially in the *Goths* and *Vandals*, who having been Auxiliarys or Mercenarys, rely'd upon by the later Emperors, came therby to ruin the *Roman* Empire.

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MERCENARYS who make their Arms their Trade, muſt of all others be the moſt pernicious; for what can we expect leſs of ſuch whoſe Art is not otherwiſe ſo profitable, than that they ſhould (as MACHIAVEL ſhews) *be breakers of their Faith, given up to Rapin, Enemys of Peace and Government.* Chap. 9.

TO inſtance in ſom Commonwealths, that of *Carthage* after her firſt War with the *Romans*, fell thro the Rebellion of SPENDIUS and MATHO, Ringleaders of her Mercenarys, into another that was far more dangerous. Of ſuch a dilemma were the Arms of this State, that if HANNIBAL had conquer'd *Rome*, he muſt have bin King of *Carthage*; and not conquering *Rome*, *Carthage* was ruin'd. The Commonwealth of *Milan*, truſting herſelf to F. SFORZA and his Mercenarys, became the Subject of her Servant, and he her Duke. Nor is *Venice*, whoſe Land-Forces are of the ſame kind, otherwiſe in ſafety as to theſe, than by her Situation. To give ſome inſtances of the ſame nature in Princes: The Father of F. SFORZA being Captain of a like mercenary Army, forc'd JOAN Queen of *Naples*, whom he left diſarm'd in the midſt of her Enemys, to lay herſelf at the feet of the King of *Arragon*; and BRACCIO by ſuch another Treachery had plainly poſſeſt himſelf of the Kingdom of *Naples*, had he not bin broken at *Aquila*, where Death intercepted his deſign. From what has bin ſaid (firſt of Government, and then of Arms) if a Government of Servants be harder to be conquer'd, and eaſier to be held, then in this foren Arms muſt needs be leaſt neceſſary, and moſt dangerous.

IF a Government of Subjects be eaſier to be conquer'd, and harder to be held, then in this foren Arms may be more neceſſary, but muſt be leſs dangerous.

BUT tho a Government of Citizens be both hardeſt to be conquer'd, and hardeſt to be held, yet as it is again in this regard of two kinds, this cannot be ſaid of each kind alike; wherfore I muſt diſtinguiſh.

IN a Government of Citizens, if the Commonwealth be not for increaſe, but preſervation only, as *Lacedemon*, *Carthage*, *Venice*, foren Arms are both neceſſary and dangerous; but in a Government of Citizens, where the Commonwealth is both for increaſe and preſervation, as *Rome*, foren arms are neither neceſſary nor dangerous.

TO repeat the parts of this Concluſion, which being brief is obſcure, more fully and particularly.

THE Empire of *Turky* is of the harder kind to be conquer'd, wherfore the *Turk* needs not foren Guards to defend him, but it is of the eaſier to be held; wherfore let him take heed of intruſting his Perſon with foren Guards, who having a foren Intereſt, may have a foren Nation to aſſiſt them: and ſo the Perſon of the Prince being in their hands they have no more to do than to extinguiſh the Royal Line; and the Empire being eaſily held, is their own thenceforth with ſecurity. Thus the *Mamalucs* which were at firſt foren Guards, extinguiſhing the Royal Line of the Kings of *Egypt*, came to poſſeſs and hold that Realm without oppoſition. Who well conſiders this point, will never enough admire the Policy of the *Turc* in the creation (as it were) of his *Janizarys*, free from any national Intereſt that might make them dream of, or deſire Liberty; and yet ſo void of all foren Intereſt or Knowledge, that they know not what, or who were their Country or Parents. Hence tho they have Intereſt to murder the

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Book I. *Turk*, and ſomtimes do accordingly, they have no further Intereſt in the world but what depends upon the Government; and ſo the Empire is ſafe, tho the Prince be in danger: wheras if they were foren Guards, or had any native intereſt, not only the Prince, but the Empire too would be in danger, the reſt being Servants, and ſuch whoſe condition might be better'd by a change, but could be no worſe. Wherfore a Government of Servants muſt by no means admit of foren Guards or *Mamalucs*.

BUT the Empire of *France*, where the Nobility are not only ſubject to fly out, but to call in Strangers, may have uſe of foren Guards, which not obnoxious to native Intereſt and Factions, as thoſe of the Nobility, are the readieſt and beſt help at this liſt; yet not dangerous, tho having the Prince in their power, becauſe by him they are ſafe from the Nobility, who, were it not for the Prince, would be ſo far from bearing or brooking foren Guards, that in caſe a Forener came in upon their call, having the ſame means to help themſelves wherby they brought him in, they would ſhake the Yoke, and the ends why they call'd him in, being ſatisfy'd or repented of, drive him out again as they did the *Spaniards* and the *Engliſh*. But if this Government being invaded or conquer'd, be ſo hard to be kept, how much harder being ſurpriz'd? Wherfore in a Government by Subjects, foren Arms may be more neceſſary, but muſt be leſs dangerous.

IN a Commonwealth for preſervation, as *Lacedemon*, *Carthage*, *Venice*, foren Arms are neceſſary: So *Lacedemon*, tho able to defend her ſelf by her proper Forces againſt any one City, yet the Wars in *Greece* going much upon Leagues and Confederats, were forced alſo to make uſe of her Confederats, and ſomtimes of her *Helots*.

BUT as antiently to *Carthage*, ſo now to *Venice*, foren or mercenary Forces are eſſential, becauſe for Land-Service ſuch a Conſtitution can have no other: Yet is this courſe extremely dangerous, as appear'd by *Lacedemon*, who (being ever in fear of her *Helots*) when ſhe had acquir'd upon the matter the whole Empire of *Greece*, came, by the Rebellion of her Confederats, not only to loſe all, but likewiſe to ruin. For *Carthage*, upon the Mutiny of SPENDIUS and MATHO, ſhe eſcap'd, as at other times upon like occaſions, very narrowly. That ſuch an Accident neither has befaln *Venice*, nor can befal her, is to be attributed to her Situation, by which, in this regard, ſhe is ſecure: Nevertheleſs, her Progreſs or Increaſe, which by this means either cannot be great, or being great, muſt render her but the more infirm, is fully barr'd.

TO a Commonwealth for increaſe, which always takes in the whole body of the People, foren Arms, (ſeeing ſhe abounds above all other kinds of Policy, with ſuch as are proper) muſt needs be the leaſt neceſſary; and they are the moſt ſafe, becauſe never admitting them, but for her mere convenience and frugality in expence of native Blood, ſhe receives no ſuch charge of them as can recoil, but muſt carry point blank, and as vigorouſly at her proper Intereſt, very near as her proper Arms. Thus did the *Latin* and *Italian* Auxiliarys, of which, join'd with the *Roman* Legions, conſiſted a Conſular Army.

BY thus much it *ſeems that an inference from the ſucceſs of Arms to the perfection of Government, and from the perfection of Government to the ſucceſs of Arms*, ſhould be no fallacious way of diſputing.

BUT

BUT this being ſweaty work with the Conſiderer, who loves his eaſe, it is enough to argue thus: *The* Switz, Scotiſh, *and* French *Guards, have never bin the Authors of any Sedition, therfore the Seditiouſneſs of a Nobility may be mended by foren Guards:* which is, as if one ſhould ſay, ſuch a Phyſician has never bin the cauſe of the Gout; therfore the Gout may be cur'd by ſuch a Phyſician. That foren Arms may be well enough apply'd in the eaſe of a ſeditious Nobility, and have ſom good effects, is not deny'd: but is *France* therfore cur'd of her Sedition, or remains ſhe, notwithſtanding her foren Guards, the moſt ſeditious Example in the world? If thus ſhe has not bin, nor be, what has he read of the Princes of the Blood in former times, or heard of late from them? But if thus ſhe has bin, and be, is it not a fine way of Cure, to give us an example of the Diſeaſe for the Remedy? Nor are her Guards ſo void of Sedition neither; but the *Switzer*, if he wants his pay, dares threaten *Paris:* the *Scot*, at leaſt of late years, has not bin ſo bold; but if a Prince flys out, the Enſigns of the *French* Guards will one way or other be Captains, while Soldier and Officer too follows his Affections or Intereſts, which way ſoever they frame. I ſhould be glad to know when a Dragon fell from that Court, that did not bear down Stars with his Train. But the Prevaricator is ſet upon it: wheras of late years, the *Janizarys* are known to have bin far more imbru'd in the Blood of their Princes than ever; he gives us his honeſt word, *that of late years in* Turky *they begin to learn the Art of poiſing the* Janizarys (who are the Foot of the Prince's Guard) *by the* Spahys (who are the Horſe of the ſame) *and ſo have frequently evaded the danger of their Mutinys.* At which rate, ſeeing every Army conſiſts of Horſe and Foot, no Army could be mutinous. If theſe had not bin mere flights, and ſo intended, he might have don well to have ſhewn us one Mutiny of the *Janizarys* appeas'd by the *Spahys.* But all the parts of his Politics, as was ſaid of thoſe in Rhetoric, conſiſt of Pronunciation. Chap. 9.

THUS the Wounds of Monarchy, notwithſtanding the former, or this laſt Remedy of foren Guards, are ſtill bleeding or feſtering.

BUT his Courage is undaunted *(aut viam inveniet aut faciet)* he will either mend a Government, or make one, by aſſerting without any example, but with egregious confidence, *That the perfection of Monarchy is free from thoſe flaws which are charg'd upon it, and that it conſiſts in governing by a Nobility, weighty enough to keep the People under, and yet not tall enough in any particular Perſon to meaſure with the Prince; and by a moderat Army kept under the notion of Guards and Gariſons, which may be ſufficient to ſtrangle all Sedition in the Cradle: from which mixture or counterpoiſe of a Nobility and an Army, ariſes the moſt excellent form of Monarchical Government.* Conſid. p. 48, 49.

THERE's for your learning now, A Model which is a ſhort Horſe, and a Legiſlator that has ſoon curry'd him. To the parts of it, conſiſting of a Nobility, and in force, I have already ſpoken ſeverally. I ſhall now ſpeak to the whole together; that is, to the imagin'd mixture or counterpoiſe of a Nobility and an Army; and becauſe there is nothing in Nature that has not had a natural effect by ſom example.

THE ſcale of Arms, or of Iron, continu'd in the Line of WILLIAM the Conqueror; and the Scale of Property, or Gold, continu'd in the Barons of *England*, and their Succeſſors. But in this before the Barons Wars conſiſted not the perfection of the Monarchy,

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Book I. becauſe it preponderated too much on the ſide of Arms; nor after the Barons Wars, becauſe the King, putting Power (which he could not keep out of their fingers) into the hands of the Nobility, it became *a vicious Conſtitution, and a Monarchy only in name* (ſo ſays the Conſiderer) therfore the Balance being then only even, when neither the King could overbalance or get the better of the Barons, nor the Barons overbalance or get the better of the King; the perfection of Monarchy conſiſted in the Barons Wars? LYCURGUS the Second!

MARK; the King by all means muſt have a Nobility weighty enough to keep down the People; and then he muſt have an Army to hold Gold weight with his Nobility: as if the Nobility in that caſe would keep down the People, and not fetch them up (as did the Barons) into their Scale, that ſo together they might weigh down the Army; which ſooner or later is the infallible conſequence of this Phanſy, or let it be ſhewn where it was ever otherwiſe. To inſtance in *France* is quite contrary, where all the conſiderable Officers and Commands being in the Nobility, or the richer ſort of that Nation, the Balance of Arms and of Property are not two, but one and the ſame. There is no way for Monarchy, but to have no Army, or no other than the Nobility, which makes the regulated Monarchy, as in *France, Spain*, &c. or to have an Army that may weigh down Nobility and People too; that is, deſtroy them both, which makes the abſolute way of Monarchy, as in *Turky*: the wit of man never found nor ſhall find a third, there being no ſuch thing in Nature.

THIS Chapter is already with the longeſt, and yet I muſt give you a Corollary, *pouce de roy*, or a piece above meaſure; relating to a Queſtion on which the greeneſt Politician that ever brought his Verjuice to the Preſs has ſpur'd me.

WHERE he deſires to *know my opinion of the way of governing by Councils, which he confeſſes he has always thought admirable; he dos not*
Conſid. *p.* 49, 50. *mean ſuch as are coordinat with the Prince (which have been ſeen in the World) but ſuch as thoſe of* Spain, *purely of Advice and Diſpatch, with power only to inform and perſuade, but not limit the Prince's Will. For almoſt all the Weakneſſes which have bin thought incident to Monarchy are by this courſe prevented; and if there be any ſteadineſs and maturity in the Senat of a Commonwealth, this takes it all in.*

TO give my Counſil without a Fee, and deal ſincerely with a Prevaricator: Let the Prince (that is, ſuch a one as his) hold himſelf contented with his *Divan*, or Cabinet. If this be that he means, we are agreed; but if he would have more, I can make no leſs of his words than a hankering after ſuch Councils as I have propos'd, and that theſe are ſuch as he *always thought admirable, ſuch as prevent almoſt all the Weakneſſes incident to Monarchy, and take in the ſteadineſs and maturity of a Commonwealth.*

HOW may we make this agree with that other place, where he ſays, *that there is no frame of Laws, or Conſtitution of Government, which will not decay and com to ruin, unleſs repair'd by the Prudence and*
Conſid. *p.* 68. *Dexterity of them that govern? Now that this may not be expected from a Monarch, as well as from a Senat or Aſſembly of Men, he has not yet met with any conviction, but rather finds it reaſonable to think that where Debates are cleareſt, the reſult of them moſt ſecret, and the execution ſudden (which are the advantages of Monarchy) there the diſorders of a State*

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State will ſooneſt be diſcover'd, and the neceſſary Remedys beſt apply'd. Chap. 9.
In that former place he bethought himſelf that the Debates of *Rome* were as clear as thoſe of ANTIOCHUS, that her Reſults were as ſecret as thoſe of PHILIP or PERSEUS, and of more ſudden execution than either of theirs. He doubted it might be true, which is affirm'd by good Authors, and commonly enough known, that for the clearneſs of Debate, and ſecreſy of Reſult, the world never ſaw any thing like the Senat of *Venice*; and that in all appearance they are for execution as quick with the Divan, as the Divan can be with them. Now when all this is don, to baniſh ſuch generous Thoughts without ſhewing us for what cauſe, and knock under the table, is ſad news. But he ſhall find me, in any thing that is reaſonable, moſt ready to ſerve him. To the Queſtion then, how ſuch Councils as I have propos'd would do with a Prince; I anſwer, truly the beſt of them, I doubt, but untowardly. One, that is the popular Aſſembly, has no mean, but is either the wiſeſt in Nature, or has no brains at all. When affairs go upon no other than the public Intereſt, this having no other Intereſt to follow, nor eys to ſee withal, is the wiſeſt Council: but ſuch ways are deſtructive to a Prince, and they will have no Nay. The Congregation of *Iſrael*, when REHOBOAM would not hearken to their advice, depos'd him: and we know what popular Councils, ſo ſoon as they came to ſufficient Power, did in *England*. If a Prince put a popular Council from this Ward, he dos a great matter, and to little purpoſe; for they underſtand nothing elſe but themſelves. Wherfore the Kings of *France* and of *Spain* have diſſolv'd all ſuch Aſſemblys. It is true, where a Prince is not ſtrong enough to get Mony out of them but by their Conſent, they are neceſſary: yet then they are not purely of Advice and Diſpatch, but ſhare in the Government, and he cannot be medling with their Purſes, but they will be medling with his Laws. The Senat is of fitter uſe for a Prince, and yet, except he has the way of TIBERIUS, but a tickliſh piece, as appears by MAXIMINUS, who was deſtroy'd by PUPIENUS and BALBINUS, Captains ſet up againſt him by this Order. To go to the root: Theſe things are not otherwiſe in Prudence or Choice than by direction of the Balance; where this is popular, no Remedy but the Prince muſt be advis'd by the People, which if the late King would have indur'd, the Monarchy might have ſubſiſted ſomwhat longer: but while the Balance was Ariſtocratical, as during the great Eſtates of the Nobility and the Clergy, we find not the People to have bin great or wiſe Counſillors. In ſum, if a King governs by a popular Council, or Houſe of Commons, the Throne will not ſtand long: If he governs by a Senat, or a Houſe of Lords, let him never fear the Throne, but have a care of himſelf: there is no third, as I have ſaid often enough, but the Divan.

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CHAP. X.

Whether a Commonwealth that was not firſt broken by her ſelf, was ever conquer'd by the Arms of any Monarch?

I COM in this Chapter to reſume the Diſcourſe, where I broke off in the former, making good my Aſſertion, That a Commonwealth is the Government, which from the beginning of the world to this day was never conquer'd by any Monarch; for if the Commonwealths of *Greece* came under the yoke of the Kings of *Macedon*, they were firſt broken by themſelves.

WHEN I ſpeak of a Commonwealth, in relation to this point, I am no more to be argu'd againſt out of the little Citys in *Aſia*, or thoſe of *Raguſa*, and *San Marino*, which cannot be ſhewn to have had the command of any conſiderable Army, than I argue againſt the Prevaricator, where he aſſerts Monarchy to conſiſt of a mixture of Arms and of a Nobility, from the King of *Yuetot*, who had neither.

THIS Aſſertion in the judgment of any rational man ought not to be incounter'd, but where there was a natural poſſibility of defence, in regard that a City which has no Army at all, as *Geneva* (which yet being invaded by the Duke of *Savoy*, found means to defend her ſelf) or ſuch a one as is not conſiderable, ſhould be ſubdu'd by ſome potent Monarch (if we could find the example) concerns the Government no more, than if it had been overwhelm'd by ſome Inundation, or ſwallow'd up by ſom Earthquake. And yet all that is oppos'd by the Conſiderer, amounts not to thus much. The Teſtimony he brings out of PAUSANIAS coms far ſhort; for it is recorded (ſays the Author ſpeaking of the *Lacedemonians*) *that being corrupted by the Bounty of* CÆSAR, *they were the firſt that contracted Amity with the* Barbarians *at the time when that King added the Territorys inhabited by the* Dorians *upon the border of* Caria, *with other Commonwealths in* Aſia, *to his Empire.* So that CRÆSUS corrupted the *Lacedemonians* with Gifts, PAUSANIAS is expreſs; but whether he obtain'd the *Aſiatic* Citys (likely in this caſe to have bin eaſilier corrupted than the *Lacedemonians*) by Arms or by Purchaſe, he is not expreſs: and the preſumtion of the latter, as in other regards, ſo in this, is the ſtronger, that CRÆSUS by the teſtimony of SOLON, was more potent in Gold than in Iron. Now if it were ſo (and if otherwiſe, let the Conſiderer ſhew) that theſe Commonwealths inveigl'd by the Treaſure of CRÆSUS, came firſt under the *Lydian*, and fell with that under the *Perſian* Empire, when CRÆSUS was ſubdu'd by CYRUS; all I can learn by this example is no more than that CRÆSUS, for ought that is perceivable, might have brought thoſe Commonwealths as COSIMO of MEDICIS did *Florence*; from whom it is affirm'd by MACHIAVEL, that *there was not a conſiderable Man in the whole City that had not receiv'd ſom conſiderable Sum.* So this example preſumes; but in the next, which is of *Sicily*, there is not ſo much as a Preſumption in favor of the Aſſertor: the State of *Sicily*, before that which the *Romans* call the firſt *Carthaginian* War, being clear in Story againſt his deſign. For that *Africa* for the generation

Conſid. *p.* 53. Pa. d. Meſſ.

ration of Monſters is not more famous than *Sicily* for that of Tyrants, *they who have paſs'd their Novitiat in Story are not ignorant*; nor how when TIMOLEON had freed her of this Vermin, and with Liberty ſhe had recover'd ſom ſtrength and virtue, ſhe relaps'd under AGATHOCLES and his horrid violation of Faith, while he was truſted with the Arms of her Citizens; how after him PYRRHUS was call'd in from *Epirus*; after PYRRHUS, HIERO uſurp'd; all by the ſame Arts, getting firſt into truſt or charge, and then recoiling upon them that would take no warning: by which it is apparent that the Commonwealths of *Sicily*, like thoſe of *Greece*, were ruin'd by themſelves, and their own Diſorders; and no more ſubdu'd upon theſe changes by foren Arms, than was *Iſrael* by the *Canaanites*, or *Rome* by the *Gauls* or *Decemvirs*. Chap. 10. Fazello Hiſt. de Sicil. Polyb. l. 1.

ISRAEL, having broken her Orders, was indeed ſometimes oppreſt by the *Canaanites*; *Rome* was ſack'd by the *Gauls*, and uſurp'd by the *Decemvirs*. But as the man that having got a fall in a Duel, throws off his Adverſary, recovers himſelf and his Sword, is not conquer'd, ſo neither the Commonwealth: wherfore neither *Holland* nor *Genoa*, tho they have bin under, being yet ſtanding, can be ſaid to be conquer'd by the Arms of *Spain* or *France*, but rather the contrary; ſeeing the Liberty of *Holland* (in many Citys more ancient than any Records or other Monuments there can witneſs, and in it ſelf than that of *Tacitus*, wherby CIVILIS, born of Princely Blood, is affirm'd to have vindicated the *Batavian* Freedom) is ſtill the ſame; and *Genoa*, tho happy in her DORIA, remains as ſhe was before he was born. Nor did the Family of the MEDICIS baniſh'd out of *Florence* (where, by virtue of their prodigious Wealth, and the inevitable conſequence of the Balance, their Anceſtors had bin Princes many years before CHARLES the Fifth was a Soldier) any more by the help of his Arms, thoſe of the Pope (at that time of the ſame Family) and their Party at home, than get into their known ſaddle. To inſiſt a little more at large upon the Storys of *Genoa* and *Florence* (becauſe upon theſe the Prevaricator ſets up his reſt that Mr. HARRINGTON muſt needs be afflicted) *Genoa* was and is an Oligarchy conſiſting of twenty-eight Familys, making the great Council, or Aggregation, as they call it, none of theſe being capable of the Senat or of Magiſtracy; and if it could ever be ſaid of a Commonwealth, that ſhe had broken her ſelf, it might be ſaid, at the time related to, of *Genoa*, where not only the Faction of the *Guelphs* and *Gibelins*, which had deſtroy'd many Citys in *Italy*, then reign'd; but the feud between the People included, and the Subject excluded, was as great as ever had bin between the Nobility and the People in *Rome*. Beſides the quarrel of the FIESCHI and the ADORNI, two Familys, like CÆSAR and POMPEY, which having many years together as it were ingroſt the Magiſtracy of Duke, were nevertheleſs perpetually ſtriving each with other, which ſhould have it; and if one of theſe (as it did) brought in the King of *France*, there is nothing plainer than that this Commonwealth was ſubdu'd by her own Sedition, nor is there a man knowing any thing of her affairs, that makes any doubt of it. That of *Florence* indeed, if the Prevaricator could ſhew it had bin ever up, I ſhould grant were down; but to relate the Story of this City, I muſt relate that of the Houſe of MEDICIS. From COSIMO, a Citizen famous throout *Europe*, both for his Wiſdom and Decree of the States of Holland apud Grot. Hiſt. 4.

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Book I. his Riches, this Family for the ſpace of ſixty years exercis'd, under the pretext of ſome Magiſtracy, very great Power in *Florence*. To Cosimo ſucceded Peter, to Peter Laurence, a man in Prudence and Liberality reſembling his Grandfather, ſave that he us'd more abſolute Power in managing the Commonwealth; yet with gentleneſs, and not altogether to the ſuppreſſion of Liberty. Nevertheleſs he obtain'd of the Signory (which did for the moſt part as he would have them) ſom ſmall Guard for his Perſon; he was a man renown'd thro *Italy*, and look'd upon by foren Princes with much reſpect. To him ſucceded his Son, another Peter, who thro Youth and Raſhneſs conceiving the Power exercis'd by his Predeceſſors to be no more than his due, took upon him the Government as abſolute Lord of all; and ſtanding moſt formidably upon his Guard, grew ſottiſhly profuſe of the public Mony, and committed many Abſurditys and Violences: By which means having incurr'd the hatred of the Citizens, he was baniſh'd by the Signory, with Cardinal John and Julian his Brothers. This John coming after to be Pope Leo the Tenth, requir'd the revocation of his Brother's Baniſhment, and the reſtitution of the Houſe of Medicis; to which finding the prevailing Party of the *Florentins* to be refractory, he ſtir'd up the Arms of the Emperor Charles the Fifth againſt them, by whoſe joint aid the City, after a long ſiege, was reduc'd to her old Ward, and Alexander of Medicis, Nephew to the Pope and Son in law to the Emperor, ſet in the known Saddle of his Anceſtors. This is the Action for which the Prevaricator will have a Commonwealth to have bin conquer'd by the Arms of a Monarch, tho whoever reads the Story may very ſafely affirm, Firſt, That *Florence* never attain'd to any ſuch Orders as could deſerve the name of a Commonwealth; and next, That the Purſe of Cosimo had don that long before, which is here attributed to the Arms of the Pope and the Emperor. Reaſon and Experience, as I ſaid, are like the Roots and the Branches of Plants and Trees: As of Branches, Fruits, and Flowers, being open and obvious to the eye, the ſmell, the touch, and taſte, every Girl can judg; ſo examples to vulgar capacitys are the beſt Arguments. Let him that ſays a Commonwealth has bin at any time conquer'd by a Monarch, to it again, and ſhew us the example. But tho Fruits and Flowers be eaſily known each from other, their Roots are latent, and not only ſo, but of ſuch reſemblance, that to diſtinguiſh of theſe a man muſt be a Gardener or a Herbaliſt. In this manner, the reaſon why a Commonwealth has not bin overcom by a Monarch, has bin ſhewn in the diſtribution of Arms, thoſe of a Prince conſiſting of Subjects or Servants, and thoſe of a Commonwealth rightly order'd of Citizens, which difference plainly relates to the perfection or imperfection of the Government.

Comines. P. Jovius. Machiavel.

Conſid. p. 51. *BUT*, ſays the Prevaricator, *this ſeems intended for a trial of our Noſes, whether they will ſerve us to diſcover the fallacy of an inference from the proſperous ſucceſs of Arms to the perfection of Government.* If the Univerſity, who ſhould have ſom care of the Vineyard of Truth, ſhall ly pigging of wild Boars, to grunt in this manner and tear with their tuſks, and I happen to ring ſom of them (as I have done this *Marcaſſin* for rooting) there is nothing in my faith why ſuch trial of their Noſes ſhould be Sin; but for fallacious Inferences, ſuch I leave to them whoſe Caps are ſquarer than their Play.

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FOR all that, *Great and well policy'd Empires*, ſays he, *have bin ſubverted by People ſo eloign'd from the Perfection of Government, that we ſcarce know of any thing to ty them together, but the deſire of Booty.* Where, or how came he to know this? What Reaſon or Experience dos he allege for the proof of it? May we not ſay of this, it is for *the trial of our Noſes, whether they will ſerve us to diſcover that a Concluſion ſhould have ſome Premiſes?* He gives us leave to go look, and all the Premiſes that I can find are quite contrary. Chap. 10.

THE Arms of *Iſrael* were always victorious till the death of JOSHUA, wherupon the Orders of that Commonwealth being neglected, they came afterwards to be ſeldom proſperous. ISOCRATES in his Oration to the *Areopagits*, ſpeaks thus of *Athens: The* Lacedemonians, *who when we were under Oligarchy, every day commanded us ſomthing; now while we are under popular Adminiſtration, are our Petitioners that we would not ſee them utterly ruin'd by the* Thebans. Nor did *Lacedemon* fall to ruin till her Agrarian, the Foundation of her Government was firſt broken. The Arms of *Rome* (ever noted by Hiſtorians, and clearly evinc'd by MACHIAVEL to have bin the reſult of her Policy) during the popular Government were at ſuch a pitch, as if Victory had known no other wings than thoſe of her Eagles: nor ſeeing the *Goths* and *Vandals* are the Legiſlators, from whom we derive the Government of King, Lords, and Commons, were theſe when they overcame the *Roman* Empire, a People ſo eloign'd from the perfection of Government, but their Policy was then far better than that of the Emperors, which having bin at firſt founded upon a broken Senat, and a few military Colonys, was now com to a Cabinet and a mercenary Army. The Judgment of all Ages and Writers upon the Policy of the *Roman* Emperors, is in this place worthy, and thro the pains already taken by ERASMUS and SLEIDAN, eaſy to be inſerted. *O miſerable and deplorable State*, ſays ERASMUS, *the Authority of the Senat, the Power of the Law, the Liberty of the People being trod under foot! to a Prince that got up in this manner, the whole World was a Servant, while he himſelf was a Servant to ſuch, as no honeſt man would have indur'd the like Servants in his Houſe: the Senat dreaded the Emperor, the Emperor dreaded his execrable Militia: the Emperor gave Laws to Kings, and receiv'd them from his Mercenarys.* To this is added by SLEIDAN, *That the condition of theſe Princes was ſo deſperat, it was a wonderful thing Ambition it ſelf could have the Courage to run ſuch a hazard; ſeeing from* CAIUS CÆSAR *ſlain in the Senat to* CHARLES *the Great, there had bin above thirty of them murder'd, and four that had laid violent hands upon themſelves: For there was always ſomthing in them that offended the Soldiery, which whether they were good or bad, was equally ſubject to pick Quarrels, upon the leaſt occaſion rais'd Tumults, and diſpatch'd even ſuch of them as they had forc'd to accept of that Dignity, for example,* ÆLIUS PERTINAX. But if this be true, that of the *Goths* and *Vandals*, when they ſubdu'd this Empire, muſt have bin the better Government; for ſo ill as this never was there any, except that only of the Kings of *Iſrael*, which certainly was much worſe. Thoſe of the *Britains* and the *Gauls* were but the dregs of this of *Rome*, when they were overcome by the *Saxons* and *Franks*, who brought in the Policy of the *Goths* and *Vandals*.

Judg. ch. 1. & 2.

Arte della Guerra.

In his Preface to Suetonius.

De quat. Imp.

WHEN

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Book I.

WHEN TAMERLAN overcame BAJAZET, the *Turkiſh* Policy had not attain'd to that ancient Territory, which is plainly neceſſary to the nature of it, nor was the Order of the *Janizarys* yet inſtituted. The *Hollander*, who under a potent Prince was but a Fiſherman, with the reſtitution of a popular Government, is becom the better Soldier; nor has he bin match'd but by a riſing Commonwealth, whoſe Policy you will ſay was yet worſe, but then her Balance (being that eſpecially which produces men) was far better. For Vaſtneſs, for Fruitfulneſs of Territory, for Bodys of Men, for Number, for Courage, Nature never made a Country more potent than *Germany*: yet this Nation, antiently the Seminary of Nations, has of late years, merely thro the defect of her Policy (which intending one Commonwealth, has made a hundred Monarchys in her Bowels, whoſe croſs intereſts twiſt her guts) bin the Theater of the ſaddeſt Tragedys under the Sun; nor is ſhe curable, unleſs ſom Prince falling to work with the Hammer of War, be able totally to deſtroy the old, and forge her a Government intirely new. But if this coms to paſs, neither ſhall it be ſaid, that *a well-policy'd Empire was ſubverted*, nor by *a People ſo eloign'd from perfection of Government*, but theirs muſt be much better than the other. Let me be as ridiculous as you will, the World is *(in fæce Romuli)* ripe for great Changes which muſt com. And look to it, whether it be *Germany*, *Spain*, *France*, *Italy*, or *England*, that coms firſt to fix her ſelf upon a firm Foundation of Policy, ſhe ſhall give Law to, and be obey'd by the reſt. There was never ſo much fighting as of late days to ſo little purpoſe; Arms, except they have a root in Policy, are altogether fruitleſs. In the War between the King and the Parlament, not the Nation only, but the Policy of it was divided; and which part of it was upon the better Foundation?

Conſid. p.51. *BUT*, ſays he, Raguſa *and* San Marino *are commended for their upright and equal Frame of Government, and yet have hardly extended their Dominion beyond the ſize of a handſom Mannor.*

HAVE *Raguſa* or *San Marino* bin conquer'd by the Arms of any Monarch? For this (I take it) is the queſtion; tho, if they had, theſe being Commonwealths unarm'd, it were nothing to the purpoſe. The queſtion of Increaſe is another point. *Lacedemon* could not increaſe (becauſe her frame was of another nature) without ruin; yet was ſhe not conquer'd by any Monarch.

Conſid. p.52. COM, com, ſays he, for all this; *It is not the perfection of Government, but the populouſneſs of a Nation, the natural Valor of the Inhabitants, the abundance of Horſes, Arms, and other things neceſſary for equipping of an Army, aſſiſted with a good military Diſciplin, that qualify a People for Conqueſt; and where theſe concur, Victory is intail'd upon them.* Very fine!

AS if theſe could concur any otherwiſe than by virtue of the Policy. For Example, there is no Nation under Heaven more populous than *France:* Yet, ſays Sir FRANCIS BACON, *If the Gentlemen be too many, the Commons will be baſe, and not the hundredth Poll fit for a Helmet, as may be ſeen by compariſon of* England *with* France, *wherof the former, tho far leſs in Territory and Populouſneſs, has bin nevertheleſs the overmatch; in regard the middle People in* England *make good Soldiers, which the Peaſants in* France *do not.* This therfore was from the Policy, by which the one has bin the freeſt, and the other the

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moſt inſlav'd Subject in the World; and not from Populouſneſs, in which caſe *France* muſt have bin the Overmatch. Chap. 10.

THE like is obſervable in the natural valor of the People, there being no greater courage of an Infantry, than that of the middle People in *England*, wheras the Peaſant having none at all, is never us'd in Arms. Again, *France* has one of the beſt Cavalrys in the World, which the *Engliſh* never had, yet it avail'd her not. Victory is more eſpecially intail'd upon Courage, and Courage upon Liberty, which grows not without a Root planted in the Policy or Foundation of the Government.

ALEXANDER with a handful of Freemen overcame *the greateſt abundance of Horſes, Arms, and other things neceſſary for the equipping of an Army*, the hugeſt Armys, the moſt vaſt and populous Empire in the World; and when he had don, could not by all theſe ſubdue that handful of freer men (tho he kill'd CLYTUS with his own hand in the quarrel) to the ſervil Cuſtoms of that Empire. And that the beſt military Diſciplin deriv'd from the Policy of the *Romans*, I intimated before, and have ſhewn at large in other places.

BUT the Prevaricator neither minds what is ſaid, nor cares what he ſays; to affirm that a Commonwealth was never conquer'd by any Monarch, and that a Commonwealth has conquer'd many Monarchs, or frequently led mighty Kings in Triumph, is to run upon the foil, the ſecond Propoſition being with him no more than only the converſion of the firſt. As if that *Rome* was not conquer'd by the World, and that the World was conquer'd by *Rome*, were but a ſimple converſion. So the World having not conquer'd *Venice*, it muſt follow, that *Venice* has conquer'd the World. Do we take, or are we taken? Nor is he thus ſatisfy'd to burn his fingers, but he will bliſter his tongue. Conſid. *p.* 55.

WHERE I ſaid that the *Commonwealth* of *Venice*, conſiſting of all them that firſt fled from the main Land to thoſe Ilands where the City is now planted, at the Inſtitution took in the *whole People*, he would make you believe I had ſaid that the *Senat of Venice*, at the firſt inſtitution, *took in the whole People:* It is matter of fact, and that in which his Integrity will be apparent to every man's Judgment. I pray ſee the places. And yet when he has put this trick upon me, he tells me, *perhaps it is not true*; and this only I grant him paſt peradventure is falſe, whether that I ſaid it, or that the thing is poſſible. For how is it poſſible, that the Senat, which is no otherwiſe ſuch than as it conſiſts of the Ariſtocracy, or ſelect part of the People, ſhould take in the whole People? It is true, that good Authors, both antient and modern, when they ſpeak of the Senat of *Rome*, or of *Venice* hiſtorically, imply the People. MACHIAVEL ſpeaks of the Magiſtracy of PUBLILIUS PHILO, as prolong'd by the Senat of *Rome*, without making any mention of the People, by whom nevertheleſs it was granted: the like is uſual with other Authors. THUANUS ſeldom mentions the Commonwealth of *Venice*, but by the name of the Senat; which not underſtood by the Learned Conſiderer, where CONTARINI ſpeaks in the ſame manner of the Courſes taken by the Commonwealth of *Venice*, for withholding the Subject in the City from Sedition, he takes him to be ſpeaking of the means wherby the Senat (an't pleaſe you) keeps the People under: and ſo having put one trick upon me, and another upon Conſid. *p.* 70. Oceana, *p.* 43.

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Book I. CONTARINI, theſe two are his Premiſes, whence he draws this Concluſion; *That* Venice *is as much as any in the World an inequal Commonwealth.* Now the Concluſion you know nobody can deny.

CHAP. XI.

Whether there be not an Agrarian, or ſom Law of Laws of that nature, to ſupply the defect of it in every Commonwealth: and whether the Agrarian, as it is ſtated in Oceana, *be not equal and ſatisfactory to all Intereſts.*

IN this Chapter the Prevaricator's Devices are the moſt welfavor'd: for wheras the Agrarian of *Oceana* dos no more than pin the baſket, which is already fill'd, he gets up into the Tree where the Birds have long ſince eaten all the Cherrys, and with what Clouts he can rake up, makes a moſt ridiculous Scarcrow. This pains he needed not to have taken, if he had not ſlighted overmuch the *Lexicon*, of which he allows me to be the Author; yet will have it, that he underſtood the words before, ſom of which nevertheleſs his ill underſtanding requires ſhould be further interpreted in this place, as Property, Balance, Agrarian, and Levelling.

PROPERTY is that which is every man's own by the Law of the Land; and of this there is nothing ſtirr'd, but all intirely left as it was found by the Agrarian of *Oceana*.

PROPERTY in Mony (except, as has bin ſhewn, in Citys that have little or no Territory) coms not to the preſent account. But Property in Land, according to the diſtribution that happens to be of the ſame, cauſes the political Balance producing Empire of the like nature: that is, if the Property in Lands be ſo diffus'd thro the whole People that neither one Landlord, nor a few Landlords overbalance them, the Empire is popular. If the Property in Lands be ſo ingroſt by the Few, that they overbalance the whole People, the Empire is Ariſtocratical, or mix'd Monarchy; but if Property in Lands be in one Landlord, to ſuch a proportion as overbalances the whole People, the Empire is abſolute Monarchy. So the political Balance is threefold, Democratical, Ariſtocratical, and Monarchical.

EACH of theſe balances may be introduc'd either by the Legiſlator at the inſtitution of the Government, or by civil Viciſſitude, Alienation, or Alteration of Property under Government.

EXAMPLES of the Balance introduc'd at the Inſtitution, and by the Legiſlator, are firſt thoſe in *Iſrael*, and *Lacedemon*, introduc'd by GOD or MOSES, and LYCURGUS, which were Democratical or Popular. Secondly, Thoſe in *England*, *France*, and *Spain*, introduc'd by the *Goths*, *Vandals*, *Saxons*, and *Franks*, which were Ariſtocratical, or ſuch as produc'd the Government of King, Lords, and Commons. Thirdly, Thoſe in the *Eaſt* and *Turky*, introduc'd by NIMROD and MAHOMET or OTTOMAN, which were purely Monarchical.

EXAMPLES of the Balance introduc'd by civil Viciſſitude, Alienation, or Alteration of Property under Government, are in *Florence*, where

where the MEDICI attaining to exceſſive wealth, the Balance alter'd from Popular to Monarchical: *In* Greece, *where the Argives being lovers of Equality and Liberty, reduc'd the Power of their Kings to ſo ſmall a matter, that there remain'd to the Children and Succeſſors of* CISUS *little more than the Title*, where the Balance alter'd from Monarchical to Popular. In *Rome*, about the time of CRASSUS, the Nobility having eaten the People out of their Lands, the Balance alter'd from Popular, firſt to Ariſtocratical, as in the *Triumvirs*, CESAR, POMPEY and CRASSUS; and then to Monarchical, as when CRASSUS being dead, and POMPEY conquer'd, the whole came to CESAR. *In* Tarentum, *not long after the War with the* Medes, *the Nobility being waſted and overcom by* Iapyges, *the Balance, and with that the Commonwealth, chang'd from Ariſtocratical to Popular*: The like of late has diſcover'd itſelf in *Oceana*. When a Balance coms ſo thro civil Viciſſitude to be chang'd, that the change cannot be attributed to human Providence, it is more peculiarly to be aſcrib'd to the hand of God; and ſo when there happens to be an irreſiſtible change of the Balance, not the old Government which God has repeal'd, but the new Government which he dictats as preſent Legiſlator, is of Divine Right.

Chap. 11.

Pauſan. Corinth.

Ariſt. Pol. l. 5. c. 3.

THIS Volubility of the Balance being apparent, it belongs to Legiſlators to have eys, and to occur with ſom prudential or legal Remedy or Prevention: and the Laws that are made in this caſe are call'd *Agrarian*. So *An Agrarian is a Law fixing the Balance of a Government in ſuch a manner that it cannot alter.*

THIS may be don divers ways, as by intailing the Lands upon certain Familys, without Power of Alienation in any caſe, as in *Iſrael* and *Lacedemon*; or, except with leave of the Magiſtrat, as in *Spain*: But this, by making ſom Familys too ſecure, as thoſe in poſſeſſion, and others too deſpairing, as thoſe not in poſſeſſion, may make the whole People leſs induſtrious.

WHERFORE the other way, which by the regulation of Purchaſes ordains only that a man's Land ſhall not excede ſom certain proportion; for example, two thouſand Pounds a year; or, exceding ſuch a proportion, ſhall divide in deſcending to the Children, ſo ſoon as being more than one they ſhall be capable of ſuch a diviſion, or ſubdiviſion, till the greater ſhare excedes not two thouſand pounds a year in Land, lying and being within the native Territory, is that which is receiv'd and eſtabliſh'd by the Commonwealth of *Oceana*.

BY Levelling, they who uſe the word ſeem to underſtand, when a People riſing invades the Lands and Eſtates of the richer ſort, and divides them equally among themſelves; as for example,—No where in the World; this being that, both in the way and in the end, which I have already demonſtrated to be impoſſible. Now the words of this *Lexicon* being thus interpreted, let us hearken what the Prevaricator will ſay, and out it coms in this manner.

TO him that makes Property, and that in Lands, the Foundation of Empire, the eſtabliſhing of an Agrarian is of abſolute neceſſity, that by it the Power may be fix'd in thoſe hands to whom it was at firſt committed. Conſid. p. 73.

WHAT need we then procede any further, while he, having no where diſprov'd the Balance in theſe words, gives up the whole Cauſe? For as to that which he ſays of Mony, ſeeing neither the vaſt Treaſure of HENRY the *7th* alter'd the Balance of *England*, nor the Revenue of

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Book I. the *Indys* alters that of *Spain*, this Retrait (except in the Caſes excepted) is long ſince barricado'd. But he is on and off, and, any thing to the contrary notwithſtanding, gives you this for certain.

THE Examples of an Agrarian are ſo infrequent, that Mr. HARRINGTON *is conſtrain'd to wave all but two Commonwealths; and can find in the whole extent of Hiſtory only* Iſrael *and* Lacedemon *to faſten upon.*

A MAN that has read my Writings, or is ſkill'd in Hiſtory, cannot chuſe but ſee how he ſlurs his Dice; nevertheleſs to make this a Pol.L.2.C.5. little more apparent, *It has ſeem'd to ſom* (ſays ARISTOTLE) *the main point of Inſtitution in Government, to order Riches right; whence otherwiſe derives all civil Diſcord. Upon this ground* PHALEAS *the* Chalcedonian *Legiſlator made it his firſt work to introduce equality of Goods; and* PLATO *in his Laws allows not increaſe to a poſſeſſion beyond certain bounds. The* Argives *and the* Meſſenians *had each their Agrarian after the manner of* Lacedemon. If a man ſhall tranſlate the words Plut. Lycurg. (ἀρετὴ, δύναμις πολιτικὴ, *virtus & facultas civilis) Political Virtue or Faculty*, where he finds them in ARISTOTLE's Politics (as I make bold, and appeal to the Reader whether too bold to do) by the words *Political Balance*, underſtood as I have ſtated the thing, it will give ſuch a light to the Author, as will go nearer than any thing alleg'd (as before by this Prevaricator) to deprive me of the honor Pol.L.3.C.9. of that invention. For example, where ARISTOTLE ſays, *If one man, or ſuch a number of men, as to the capacity of Government com within the compaſs of the Few, excel all the reſt* (κατ' ἀρετὴν) *in Balance, or in ſuch a manner, that the* (δύναμις πολιτικὴ) *Political Faculties or Eſtates of all the reſt be not able to hold weight with him or them, they will never condeſcend to ſhare equally with the reſt in power, whom they excel in Balance; nor is it to any purpoſe to give them Laws, who will be as the Gods, their own Laws, and will anſwer the People as the Lions are ſaid by* ANTISTHENES *to have anſwered the Hares, when they had concluded, that every one ought to have an equal Portion. For this cauſe* (he adds) *Citys that live under Popular Power, have inſtituted the Oſtraciſm for the preſervation of Equality; by which, if a man increaſe in Riches, Retinue, or Popularity, above what is ſafe, they can remove him* (without loſs of Honor or Eſtate) *for a time.*

IF the Conſiderer thinks that I have ſtrain'd courteſy with ARISTOTLE (who indeed is not always of one mind) further than is warrantable, in relation to the Balance, be it as he pleaſes; I who muſt either have the more of Authority, or the leſs of Competition in the point, ſhall loſe neither way. However, it is in this place enough *that the Oſtraciſm being of like nature, was that which ſupply'd the defect, in the* Grecian *Citys, of an Agrarian.* To procede then to *Rome*, that the People there, by ſtriving for an Agrarian, ſtrove to ſave their Liberty, is apparent, in that thro the want of ſuch a Law, or the nonobſervance of it, the Commonwealth came plainly to ruin. If a *Venetian* ſhould keep a Table, or have his Houſe furniſh'd with Retainers, he would be obnoxious to the Council of Ten; and if the beſt of them appear with other State or Equipage than is allow'd to the meaneſt, he is obnoxious to the Officers of the Pomp: which two Orders in a Commonwealth, where the Gentry have but ſmall Eſtates in Land, are as much as needs be in lieu of an Agrarian. But the *German* Republics have no more to ſupply the place of this Law, than that Eſtates deſcending are divided among

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among the Children; which ſure no man but will ſay muſt needs be both juſt and pious: and we aſk you no more in *Oceana*, where grant this, and you grant the whole Agrarian. Thus had I ſet him all the Commonwealths in the World before; and ſo it is no fault of mine, that he will throw but at three of them: Theſe are *Iſrael*, *Lacedemon*, and *Oceana*. Chap. 11.

FIRST at *Iſrael:* Mr. HARRINGTON (ſays he) *thinks not upon the Promiſe of* GOD *to* ABRAHAM *(whence the* Iſraelites *derived their Right to the Land of* Canaan*) but conſiders the diviſion of the Lands as a Politic Conſtitution upon which the Government was founded, tho in the whole Hiſtory of the Bible there be not the leaſt footſtep of ſuch a deſign.* Conſid. *p.* 77.

WHAT means the man! *the Right of an* Iſraelite *to his Land deriv'd from the Promiſe of* GOD *to* ABRAHAM, therfore the Right of an *Oceaner* to his Land muſt derive from the Promiſe of GOD to ABRAHAM? Or, why elſe ſhould I in ſpeaking of *Oceana* (where Property is taken as it was found, and not ſtirr'd a hair) think on the Promiſe to ABRAHAM? Nor matters it for the manner of diviſion, ſeeing that was made, and this was found made, each according to the Law of the Government. *But in the whole Bible* (ſays he) *there is not the leaſt footſtep that the end of the* Iſraelitiſh *Agrarian was Political, or that it was intended to be the Foundation of the Government.*

THE Footſteps of God, by the Teſtimony of DAVID, may be *ſeen in the deep Waters*, much more, by the conſent of the whole Bible, in Land, or in the foundation of Empire; unleſs we make the Footſteps of God to be one thing, and his ways another, which as to Government are theſe.

GOD by the Ballot of *Iſrael* (more fully deſcrib'd in the next Book) divided the Land (ſom reſpect had to the Princes and Patriarchs for the reſt) *to every one his inheritance, according to the number of names*, which were drawn out of one Urn firſt, and the Lots of Land (the meaſure with the goodneſs of the ſame conſider'd) drawn afterwards out of the other Urn to thoſe names. Wherfore God ordaining the Cauſe, and the Cauſe of neceſſity producing the Effect, God in ordaining this Balance intended Popular Government. But when the People admitting of no Nay, would have a King, God therupon commanding SAMUEL to *ſhew them the manner of the King*, SAMUEL declar'd to the People concerning the manner or Policy of the King, ſaying, *He will take your Fields and your Vinyards, and your Oliveyards, even the beſt of them, and give to his Servants* (which kind of proceding muſt needs create the Balance of a Nobility;) over and above this, *he will take the tenth of your Seed, and of your Vinyards, and of your ſheep* (by way of Tax, for the maintenance of his Armys) and thus your *Daughters ſhall com to be his Cooks and Confectioners, and your Sons to run before his Chariot.* There is not from the Balance to the Superſtructures a more perfect deſcription of a Monarchy by a Nobility. For the third Branch, the People of *Egypt* in time of the Famin, which was very ſore, com to JOSEPH, ſaying, *Buy us and our Land for Bread, and we and our Land will be Servants to* PHARAOH. *And* JOSEPH *bought all the Land of* Egypt *(except thoſe of the Prieſts) for* PHARAOH. *So the Land became* PHARAOH's, who left the remembrance of their former Property by lively marks and continual remembrancers ſhould ſtir them up (as the *Vandals* in *Africa*, ſtript in like manner of their Property, and yet remaining in their antient Dwellings, Grot. ad Num. 26. 53. 1 Sam. 8. Gen. 47. 19, 20. Grot. ad Gen. 47.

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Book I. Dwellings, were ſtirr'd up by their Women) to Sedition, remov'd the People thus ſold, or drave them like Cattel *even from one end of the borders of* Egypt *to the other end therof.* In which you have the Balance of a ſole Landlord or abſolute Prince, with the miſerable, and yet neceſſary conſequence of an inſlav'd People. Now the Balance of Governments throout the Scriptures being of theſe kinds, and no other, the Balance of *Oceana* is exactly calculated to the moſt approv'd way, and the cleareſt *Footſteps of God in the whole Hiſtory of the Bible:* and wheras the *Jubile* was a Law inſtituted for preſervation of the popular Balance from alteration, ſo is the Agrarian in *Oceana.*

BUT ſays the Prevaricator, *Hocus Pocus, or in the name of Wonder, how can this Agrarian be the Foundation of that Government which had ſubſiſted more than forty five years without it? For they were ſo long after the giving of this Law for the diviſion of the Land, before they had the Land to divide.*

WHICH is as if one ſhould ſay upon that other Law of the like date, *Judges and Officers ſhalt thou make thee in all thy gates*; *Hocus Pocus*, or in the name of Wonder, how ſhould the Children of *Iſrael* make them Judges and Officers in their gates, before they had any gates to make them in? fine ſport to be play'd by an Attorny for the Clergy with Scripture, where it is plain enough that the Laws of a Commonwealth were given by Moses to an Army, to be put in execution when that Army ſhould becom a Commonwealth, as happen'd under Joshua.

BUT no ſaying will ſerve his turn. *If this Agrarian were meant as fundamental to the Government, the Proviſion* (he will have it) *was weak, and not proper for attaining the end propos'd, there being nothing in the nature of the Agrarian to hinder, but that the whole Country might for the ſpace of near fifty years, that is, the time between the two Jubiles, have com into the hands of one man, and ſo have deſtroy'd Balance, Agrarian, Government and all.*

THIS they that boaſt of their Mathematics might have taken the pains (before they had bin ſo confident) to have demonſtrated poſſible; as how or by what means one Lot could com in fifty years to be multiply'd ſix hundred thouſand times, and that without Uſury, which bar (the *Iſraelits* being no Merchants) was thought ſufficient to be given: or thus to call the Prudence of God by their impracticable Phanſys in queſtion, is abominable.

I WOULD have Divines (as this Prevaricator perſuades, and it ſhould ſeem has perſuaded ſom of them) to overthrow the Commonwealth of *Iſrael*; for otherwiſe I will give them my word they ſhall never be able to touch that of *Oceana*, which, except in the hereditary Succeſſion and Dignity of the Princes of the Tribes, and the Patriarchs, and that the Senat was for life, differs not from the former: for as to the divers working up of the Superſtructures in divers Commonwealths, according to the diverſity of occaſions, it coms to no accountable difference; and much, I conceive, of this carving or finiſhing in *Iſrael*; (which had it bin extant, would perhaps have ſhewn a greater reſemblance) is loſt. For the Senats, as to their numbers, that of the 300 in *Oceana*, conſidering the bulk of the People, excedes not that of the Seventy in *Iſrael*; the Succeſſion and Dignity of the Princes of the Tribes and of the Patriarchs was ordain'd for the preſervation of the Pedigrees, which (Christ being born) are not any more to be of like

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like conſequence; and that the Senators were for life, deriv'd from a former Cuſtom of ſuch a number of Elders exerciſing ſom Authority in *Egypt* (tho not that of the Senat till it was inſtituted by God) from the deſcent of the Patriarchs into that Land, who being at their deſcent ſeventy Perſons, and governing their Familys by the right of Paternity, as the People increas'd, and they came to dy, had their Succeſſors appointed in ſuch a manner, that the number of Seventy, in remembrance of thoſe Patriarchs, was diligently preſerv'd. And for as much as the Patriarchs governing their own Familys (which at firſt were all) in their own right, were conſequently for life, this alſo pleas'd in the ſubſtitution of others. Theſe things rightly conſider'd, I have not vary'd from the Authority of *Iſrael* in a tittle, there being neither any ſuch neceſſary uſe of Pedigrees, nor uninterrupted Succeſſion of Elders for life in *Oceana*; and unleſs a man will ſay, That we ought to have the like Effect where there is not the like Cauſe (which were abſurd) the Authority of a Commonwealth holds no otherwiſe than from the Cauſe to the Effect. Chap. 11.

OCEANA, I ſay, cannot be wounded but by piercing the Authority of *Iſrael*, with which ſhe is arm'd *Cap a Pe*. It is true, as the Prevaricator ſays in another place, that *Law can oblige only thoſe to whom it was given; and that the Laws of* Iſrael *were given, as to the Power or Obligation of them, only to the Children of* Iſrael. But the Power, as has bin ſhewn, of a Commonwealth, and her Authority, are different things; her Power extends no further than her own People, but her Authority may govern others, as that of *Athens* did *Rome*, when the latter wrote her *twelve Tables* by the Copy of the former. In this manner, tho a Man, or a Commonwealth, writing out of antient Governments, have liberty to chuſe that which ſutes beſt with the occaſion, out of any; yet (whether we conſider the Wiſdom and Juſtice of the Legiſlator ſupremely good, or the excellency of the Laws) the Prerogative of Authority, where the nature of the thing admits it, muſt needs belong to *Iſrael*. That this opinion ſhould go ſore with Divines, is ſtrange; and yet if there be any feeling of their pulſe by this their Advocate or Attorny, it is as true. Conſid. *p.* 36.

FOR while he finds me writing out of *Venice*, he tells me, I have *wiſely put myſelf under Protection or Authority, againſt whom he dares not make War, leſt he ſhould take part with the* Turk. *In his Epiſt.*

BUT when he finds me writing out of *Iſrael*, he tells me, that *he is not aware of any Prerogative of Authority belonging to the* Iſraelitiſh *more than any other Republic*: which is to take part with the Devil. Conſid. *p.* 39.

SO much for *Iſrael*. Now for *Lacedemon*; but you will permit me to ſhake a Friend or two by the hand, as I go.

THE firſt is ARISTOTLE, in theſe words:

INEQUALITY is the Source of all Sedition, as when the Riches of one or the few com to cauſe ſuch an Overbalance as draws the Commonwealth into Monarchy or Oligarchy; for prevention wherof the Oſtraciſm has bin of uſe in divers places, as at Argos *and* Athens. *But it were better to provide in the beginning, that there be no ſuch Diſeaſe in the Commonwealth, than to com afterwards to her Cure.* Pol. L. 5. c 3.

THE

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THE ſecond is PLUTARCH, in theſe words:

Plut. Lycur. LYCURGUS *judging that there ought to be no other inequality among Citizens of the ſame Commonwealth than what derives from their Virtues, divided the Land ſo equally among the* Lacedemonians, *that on a day beholding the Harveſt of their Lots lying by Cocks or Ricks in the field, he laughing ſaid, that it ſeem'd to him they were all Brothers.*

THE third ſhould have bin the Conſiderer, but he is at feud with us all.

Conſid. p. 78. *THE Deſign of* LYCURGUS, he profeſſes, *was not ſo much to attain an Equality in the frame of his Government, as to drive into exile Riches, and the effects of them, Luxury and Debauchery.*

GENTLEMEN, What do you ſay? you have the Judgment of three great Philoſophers, and may make your own choice; only except he that has but one hundred pounds a year, can have Wine and Women at as full command, and Retainers in as great plenty, as he that has ten thouſand, I ſhould think theſe advantages accru'd from Inequality, and that LYCURGUS had ſkill enough in a Commonwealth to ſee as much. No, ſays the Prevaricator, it appears far otherwiſe, *in that he admitted of no Mony but old Iron, a Cartload of which was worth little.* Well, but in *Iſrael*, where Silver and Gold was worth enough, my Gentleman would have it, that *one man in the compaſs of fifty years might purchaſe the whole Land*, tho that Country was much larger than this: and yet where, if the People had us'd Mony, they would have us'd Trade, and uſing both, ſuch a thing, thro the ſtraitneſs of the Territory, might have happen'd, he will not conceive the like to have bin poſſible. No, tho he has an example of it in LYSANDER, who by the ſpoil of *Athens* ruin'd the Agrarian, firſt by the overbalance that a man's Mony came to hold to his Lot; then by eating out the Lots themſelves, and in thoſe the Equality of the Commonwealth. But theſe things he interprets pleaſantly, as if the *Vow of voluntary Poverty* (ſo he calls it) *being broken, the Commonwealth, like a forſworn Wretch, had gon and hang'd her ſelf:* a Phanſy too rank, I doubt, of the Cloyſter, to be good at this work.

BUT wheras PLUTARCH, upon the narrowneſs of theſe Lots (which had they bin larger, muſt have made the Citizens fewer than thirty thouſand, and ſo unable to defend the Commonwealth) and uſe of this ſame old and ruſty Iron inſtead of Mony, obſerves
Plut. Lycur. it came by this means to paſs that there was neither *a fine Orator, Fortuneteller, Baud, nor Goldſmith to be found in* Lacedemon; our Conſiderer profeſſes,

THAT it is to him as ſtrange as any thing in Hiſtory, that LYCURGUS *ſhould find credit enough to ſettle a Government, which carry'd along with it ſo much want and hardſhip to particular men, that the total abſence of Government could ſcarce have put them into a worſe condition; the Laws that he made prohibiting the uſe of thoſe things, which to injoy with ſecurity, is that only to other men that makes the Yoke of Laws ſupportable.*

HERE

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HERE he is no Monk again; I would aſk him no more, than that he would hold to ſomthing, be it to any thing. It is true, we, who have bin us'd to our Plumpottage, are like enough to make faces (as did the King of *Pontus*) at the *Lacedemonian* black broth: But who has open'd his mouth againſt Plumpottage, gilded Coaches, Pages, Lacquys, fair Mannorhouſes, good Tables, rich Furniture, full Purſes, Univerſities, good Benefices, Scarlet Robes, ſquare Caps, rich Jewels, or ſaid any thing that would not multiply all this? *Why*, ſays he, *you are ſo far right, that the Voice of* LYCURGUS's *Agrarian was, Every man ſhall be thus poor; and that of yours is, that no man ſhall be more than thus rich.* This is an Argument (an't pleaſe you) by which he thinks he has prov'd, that there is no difference between the Agrarian that was in *Lacedemon*, and that which is in *Oceana:* For, Sir, whatſoever is thus and thus, is like: But the Agrarian of *Lacedemon* was thus, A man could have no Mony, or none that deſerv'd that name; and the Agrarian of *Oceana* is thus, A man's Mony is not confin'd: Therfore the Agrarian of the one, and of the other, are like. Was it not a great grievance in *Lacedemon*, think you, that they had no ſuch Logic or Logician? Be this as it will, *It had bin impoſſible*, ſays he, *for* LYCURGUS *to have ſettl'd his Government, had he not wiſely obtain'd a reſponſe from the oracle at* Delphos, *magnifying and recommending it: After which all reſiſtance would have bin downright Impiety and Diſobedience, which concerns Mr.* HARRINGTON *very little.* The Bible then is not ſo good an Oracle as was that at *Delphos*. But this Reflection has a tang with it, that makes me think it relates to that where he ſays, *I know not how, but Mr.* HARRINGTON *has taken up a very great unkindneſs for the Clergy.* He will know nothing; neither that the Oracle of the Scripture is of all other the cleareſt for a Commonwealth, nor that the Clergy being generally againſt a Commonwealth, are in this below the Prieſts of *Delphos*, who were more for LYCURGUS than theſe are for Moſes. But hav'at the Agrarian of *Oceana* with the whole bail of Dice, and at five throws.

Chap. 11.

Conſid. *p.* 18.

THE firſt Throw is, *That it is unjuſt:* For,

IF it be truly aſſerted (in Oceana, *Page the* 39th*) that Government is founded on Property, then Property conſiſts in Nature before Government, and Government is to be fitted to Property, not Property to Government. How great a Sin then would it be againſt the firſt and pureſt notion of Juſtice, to bring in a Government not only different from but directly deſtructive to the ſettl'd Property of* Oceana, *where (in the* 107th *Page) there are confeſt to be three hundred Perſons, whoſe Eſtates in Land excede the Standard of two thouſand pounds a year. Let me not be chok'd with the Example of* Lacedemon, *till Mr.* HARRINGTON *has ſhewn us the Power of his Perſuaſion with the Nobility of* Oceana, *as* LYCURGUS *with them of* Lacedemon, *to throw up their Lands to be parcel'd by his Agrarian (as* Page 111.*) and when that is don, I ſhall ceaſe to complain of the Injuſtice of it. Nor need any one of theſe three hundred be put to own a ſhame, for preferring his own Intereſt before that of a whole Nation; for tho when Government is once fix'd, it may be fit to ſubmit privat to public Utility, yet when the queſtion is of chuſing a Government, every particular man is left to his own native Right, which cannot be preſcrib'd againſt by the Intereſt of all the reſt of Mankind.*

Conſid. *p.* 81.

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Book I.

HOW many falſe Dice there are in this throw (becauſe you ſee I have little to do) will be worth counting.

WHERAS I no where deny Property to derive her being from Law; he inſinuats that I preſume Property to be in Nature. There's *One.*

WHERAS in natural and domeſtic Viciſſitude, I aſſert, That Empire is to follow the Legal State of Property; he impoſes, as if I had aſſerted, that Empire muſt follow the natural State of Property. *Two.*

WHERAS in violent or foren Viciſſitude (as when the *Iſraelits* poſſeſt themſelves of the Land of *Canaan*, the *Goths* and *Vandals* of *Italy*, the *Franks* of *France*, the *Saxons* of *England*) Property, in order to the Government to be introduc'd, is alterable; he inſinuats as if I had ſaid, that Empire muſt always follow the ſtate of Property, not as it may be alter'd in that relation, but as it is found. *Three.*

WHERAS the Government of *Oceana* is exactly fitted to Property, as it was ſettl'd before; he inſinuats it to be deſtructive to the ſettl'd Property. *Four.*

WHERAS I ſay, that to put it with the moſt, they that are Proprietors of Land in *Oceana*, exceding two thouſand pounds a year, do not excede three hundred Perſons; he ſays, that I have confeſt they be three hundred. *Five.*

WHERAS I ſhew that the Nobility of *Lacedemon*, upon the perſuaſion of LYCURGUS, threw up their Eſtates to be parcel'd by his Agrarian; but that in *Oceana*, it is not needful or requir'd that any man ſhould part with a Farthing, or throw up one ſhovelful of his Earth: he impoſes, as if I went about to perſuade the Nobility to throw up their Lands. *Six.*

WHERAS I have ſhewn that no one of thoſe within the three hundred can have any Intereſt againſt the Agrarian; he, without ſhewing what ſuch an Intereſt can be, inſinuats that they have an Intereſt againſt it. *Seven.*

WHERAS the Government of *Oceana* gos altogether upon conſent, and happens not only to fit privat to public, but even public to privat Utility, by which means it is void of all Objection; he inſinuats, that it is againſt privat Utility. *Eight.*

WHERE he ſays, that *in chuſing a Government every man is left to his own native Right*; he inſinuats that the Agrarian (which dos no more than fix Property, as ſhe found it) is againſt native Right. *Nine.*

WHERAS God has given the Earth to the Sons of men, which native Right (as in caſe a man for hunger takes ſo much as will feed him, and no more, of any other man's meat or herd) preſcribes againſt legal Property, and is the cauſe why the Law eſteems not ſuch an Action to be Theft; he inſinuats that there is a native Right in legal Property, *which cannot be preſcrib'd againſt by the Intereſt of all the reſt of Mankind.* Ten.

WHILE he pleaded the caſe of Monarchy, Levelling was concluded lawful; in the caſe of a Commonwealth, which aſks no ſuch favor, Levelling is concluded unlawful. *Eleven.*

IN the Reformation or Level as to Monarchy, tho Property ſubſiſted before that Level, yet Property was to be fitted to the Government, and not the Government to Property; but in the caſe of a Commonwealth

monwealth the Government is to be fitted to Property, and not Property to the Government. *Twelve.* Chap. 11.

IN that, any man was bound to relinquiſh his native Right, elſe how could a Prince level his Nobility? In this, no man is bound to relinquiſh his native Right. *Thirteen.*

IN that, the ſame native Right might be preſcrib'd againſt by the Prince; in this, it cannot be preſcrib'd againſt by the Intereſt of Mankind. *Fourteen.*

IN that, no Nobleman but ought to own a ſhame if he preferr'd his Intereſt before that of the Prince; in this, *no Nobleman ought to own a ſhame for preferring his own Intereſt before that of a whole Nation.* Fifteen.

WOULD you have any more? theſe fifteen *majors* and *minors*, or falſe Dice, are ſoop'd up again, and put all into this Concluſion or Box, like themſelves.

THUS the Intereſt of the three hundred is not balanc'd with that of a whole Nation, but that of ſom few extravagant Spirits; who, by making Dams in the Current of other mens Eſtates, hope to derive ſom Water to their own parch'd Fortunes.

CALUMNIARE fortiter, nihil adhærebit. If a River has but one natural Bed or Channel, what Dam is made in it by this Agrarian? but if a River has had many natural Beds or Channels, to which ſhe has forgot to reach her Breaſt, and whoſe mouths are dry'd up or obſtructed; theſe are Dams which the Agrarian dos not make, but remove: and what parch'd Fortunes can hereby hope to be water'd, but theirs only, whoſe Veins having drunk of the ſame Blood, have a right in nature to drink of the ſame Milk? The Law of MOSES allow'd the firſtborn but a double portion: was his an extravagant Spirit?

HIS ſecond throw is, That *the nature of the Agrarian is ſuch as cannot be fix'd, in regard that the People being intruſted with a Vote and a Sword, may alter it for the leſs, or com to downright Levelling.* But as to this, in the *8th* Chapter I have bar'd his Dice, that being the place in which I thought moſt proper to give a full Anſwer to this Objection.

AT the third throw, he is extreme aukward. For wheras the *Iſraelites* (notwithſtanding the *Voyages of* SOLOMON, and what is ſaid of *the Ships of* Tharſis) during their Agrarian, or while they had Land, were a Commonwealth of Huſbandmen, and not of Merchants, nor came to the exerciſe of this Trade, till they had no Land, or after their diſperſion by the Emperor ADRIAN; he ſcrues it in, after this manner——*As the* Jews *who have no Lands, are every where great Traders; ſo the poſſeſſion of Lands being limited by this Agrarian, men who are either covetous or ambitious* (as if Eſtates were not got by Induſtry, but by Covetouſneſs and Ambition) *will employ themſelves and their Eſtates in foren Traffic, which being in a manner wholly ingroſt by the Capital City of* Oceana, *that City, already too great, will immediatly grow into an exceſs of Power and Riches, very dangerous to the Commonwealth;* Amſterdam *being com by ſuch means to exerciſe of late a Tyranny in the diſpoſal of ſom public Affairs, much to the prejudice both of the Liberty and Intereſt of the reſt of the Union. An equal, if not greater Incommodity to* Oceana, *would be created by the Agrarian, which making* Emporium *a City of Princes, would render the Country a Commonwealth of* Cotta- Conſid. p. 85.

Cottagers, able to diſpute Precedence with the Beggers Buſh.

NEWS, not from *Tripoli*, nor any other corner of the whole World but one. Bate me this, and ſhew me in what other City increaſe of Houſes or new Foundations was ever held a Nuſance. This ſure is a Phanſy that regards not the old Folks, or antient Prudence.

ONE of the Bleſſings that God promis'd to ABRAHAM, was, that *his Seed ſhould be multiply'd as the Stars of Heaven*: And the Commonwealth of *Rome*, by multiplying her Seed, came to bound her Territory with the Ocean, and her Fame with the Stars of Heaven. That ſuch a Populouſneſs is that without which there can be no great Commonwealth, both Reaſon and good Authors are clear; but whether it ought to begin in the Country, or in the City, is a ſcruple I have not known them make. That of *Iſrael* began in the Country, that of *Rome* in the City. Except there be obſtruction or impediment by the Law, as in *Turky* where the Country, and in *England* where the City is forbid to increaſe; wherever there is a populous Country, for example *France*, it makes a populous City, as *Paris*; and wherever there is a populous City, as *Rome* after the ruin of *Alba*, and *Amſterdam* after the ruin (as to Trade) of *Antwerp*, it makes a populous Territory, as was that of the Ruſtic Tribes, and is that of *Holland*.

BUT the ways how a populous City coms to make a populous Country, and how a populous Country coms to make a populous City, are contrary; the one happening thro ſucking, as that of the City, and the other thro weaning, as that of the Country.

FOR proof of the former: the more mouths there be in a City, the more meat of neceſſity muſt be vented by the Country, and ſo there will be more Corn, more Cattel, and better Markets; which breeding more Laborers, more Huſbandmen, and richer Farmers, bring the Country ſo far from a Commonwealth of Cottagers, that where the Bleſſings of God, thro the fruitfulneſs of late years with us, render'd the Huſbandman unable *to diſpute Precedence with the Beggers Buſh*, his Trade thus uninterrupted, in that his Markets are certain, gos on with increaſe of Children, of Servants, of Corn, and of Cattel: for there is no reaſon why the Fields adjoining to *Emporium*, being but of a hard ſoil, ſhould annually produce two Crops, but the Populouſneſs of the City.

THE Country then growing more populous, and better ſtock'd with Cattel, which alſo increaſes Manure for the Land, muſt proportionably increaſe in fruitfulneſs. Hence it is that (as the *Romans* alſo were good at ſuch work) in *Holland* there is ſcarce a puddle undrain'd, nor a bank of Sand caſt up by the Sea, that is not cover'd with Earth, and made fruitful by the People; theſe being ſo ſtrangely, with the growth of *Amſterdam*, increas'd, as coms perhaps to two parts in three: nor, the Agrarian taking place in *Oceana*, would it be longer diſputed, whether ſhe might not deſtroy Fiſhes to plant Men. Thus a populous City makes a Country milch, or populous by ſucking; and wheras ſom may ſay, that ſuch a City may ſuck from foren parts, it is true enough, and no where more apparent than in *Amſterdam*. But a City that has recourſe to a foren Dug, e'er ſhe had firſt ſuck'd that of her proper Nurſe or Territory dry, you ſhall hardly find; or finding (as in ſom Plantation not yet wean'd) will hardly be

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be able to make that objection hold, ſeeing it will not ly ſo much a- Chap. 11.
gainſt the Populouſneſs of the place, as the contrary.

BUT a populous Country makes a populous City by weaning; for when the People increaſe ſo much, that the dug of Earth can do no more, the overplus muſt ſeek ſom other way of Livelihood: which is either Arms, ſuch were thoſe of the *Goths* and *Vandals*; or Merchandize and Manufacture, for which ends it being neceſſary that they lay their Heads and their Stock together, this makes populous Citys. Thus *Holland* being a ſmall Territory, and ſuck'd dry, has upon the matter wean'd the whole People, and is therby become as it were one City that ſucks all the World.

BUT by this means, ſays the Conſiderer, Emporium *being already too great* (while indeed *Amſterdam*, conſidering the narrowneſs of the Territory, or the ſmallneſs of *Holland*, is much more populous) *would immediatly grow into an exceſs of Power and Riches, very dangerous to Liberty, an example wherof was ſeen in the late Tyranny of that City:* As if it were not ſufficiently known that *Amſterdam* contributes and has contributed more to the defence of the Commonwealth, or United Provinces, than all the reſt of the League, and had in thoſe late Actions which have bin ſcandaliz'd, reſiſted not the intereſt of Liberty, but of a Lord. That the increaſe of *Rome*, which was always ſtudy'd by her beſt Citizens, ſhould make her Head too great for her Body, or her Power dangerous to the Tribes, was never ſo much as imagin'd; and tho ſhe were *a City of Princes*, her ruſtic Tribes were ever had in greateſt Eſteem and Honor; inſomuch, that a Patrician would be of no other.

BUT the Authority of antient Commonwealths is needleſs; the Prevaricator by his own Argumentation or Might, lays himſelf neck and heels.

FOR, ſays he, *Were this Agrarian once ſettl'd*, Emporium *would be a City of Princes, and the Nobility ſo throly plum'd, that they would be juſt as ſtrong of wing, as wild Fowl in moulting time.* There would be a City of Princes, and yet no Nobility. He is ſo faſt that I have pity on him, if I knew but which way to let him looſe. He means perhaps, that the Merchants growing rich, would be the Nobility; and the Nobility growing poor, would be Graſiers. Conſid. p. 93.

BUT ſo for ought I know it was always, or worſe, that is, men attain'd to Riches and Honors by ſuch or worſe Arts, and in Poverty made not always ſo honeſt Retreats. To all which Infirmitys of the State, I am deceiv'd if this Agrarian dos not apply the proper Remedys. For ſuch an Agrarian makes a Commonwealth for increaſe: the Trade of a Commonwealth for increaſe, is Arms; Arms are not born by Merchants, but by Noblemen and Gentlemen. The Nobility therfore having theſe Arms in their hands, by which Provinces are to be acquir'd, new Provinces yield new Eſtates; ſo wheras the Merchant has his returns in Silk or Canvas, the Soldier will have his return in Land. He that repreſents me as an Enemy to the Nobility, is the man he ſpeaks of; for if ever the Commonwealth attains to five new Provinces (and ſuch a Commonwealth will have Provinces enow) it is certain, that (beſides Honors, Magiſtracys, and the Revenues annex'd) there will be more Eſtates in the Nobility of *Oceana*, of fourteen thouſand pounds Land a year, than ever were, or can otherwiſe be of four; and that without any the leaſt danger to the Common-

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Book I. Commonwealth: for if *Rome* had but look'd ſo far to it, as to have made good her Agrarian in *Italy*, tho ſhe had neglected the reſt, the Wealth of her Nobility might have ſuck'd her Provinces, but muſt have inrich'd the People; and ſo rather have water'd her Roots, than ſtarv'd and deſtroy'd them, as it did. In this caſe therfore the Nobility of *Oceana* would not moulter like wild Fowl, but be ſtrong of wing as the Eagle.

ONE Argument more I have heard urg'd againſt the Populouſneſs of the Capital City, which is, That the Rich in time of ſickneſs forſaking the place, by which means the Markets com to fail, the Poor, leſt they ſhould ſtarve, will run abroad, and infect the whole Country. But ſhould a man tell them at *Paris*, or *Grand Cairo* (in the latter wherof the Plague is more frequent and furious than happens with us) that they are not to build Houſes, nor increaſe ſo much, leſt they ſhould have the Plague; or that Children are not to be born ſo faſt, leſt they dy, they would think it ſtrange news. A Commonwealth is furniſh'd with Laws, and Power to add ſuch as ſhe ſhall find needful. In caſe a City be in that manner viſited, it is the duty of the Country, and of the Government, to provide for them by contribution.

Conſid. p. 87. *THE difficulty in making the Agrarian equal and ſteddy thro the riſe or fall that may happen in Mony*, which is the fourth throw of the Prevaricator, is that which might have bin for his eaſe to have taken notice was long ſince ſufficiently bar'd, where it is ſaid, That if a new Survey at the preſent Rent was taken, an Agrarian ordaining that no man ſhould thenceforth hold above ſo much Land as is there valu'd at the rate, however Mony might alter, would be equal and ſteddy enough.

Conſid. p. 89. HIS laſt caſt is, *That the Agrarian would make War againſt univerſal and immemorial Cuſtom; which being without doubt more prevalent than that of Reaſon, there is nothing of ſuch difficulty as to perſuade men at once, and crudely, that they and their Forefathers have bin in an Error.*

WISE men, I ſee, may differ in Judgment or Counſil; for, ſays Sir FRANCIS BACON, *Surely every Medicin is an Innovation, and he that will not apply new Remedys muſt expect new Evils; for Time is the greateſt Innovator; and if Time of courſe alters things to the worſe, and Wiſdom and Counſil may not alter them to the better, what muſt be the end?*

Eſſay 24.

BUT the caſe of the Agrarian receives equal ſtrength from each of theſe Counſillors or Opinions: from the latter, in that it gos upon grounds which *Time has not innovated for the worſe, but for the better*; and ſo according to the former coms not to have bin at once, and crudely perſuaded, but introduc'd by Cuſtom, now grown univerſal and immemorial. For who remembers the Gentry of this Nation to have worn the blue Coats of the Nobility, or the lower ſort of People to have liv'd upon the ſmoak of their Kitchins? On the contrary, Is it not now an univerſal Cuſtom for men to rely upon their own Fortunes or Induſtry, and not to *put their Truſt in Princes*, ſeeking in their Liberality or Dependence the means of living? The Prevaricator might as well jump into his great Grandfather's old Breeches, and perſuade us that he is *a la mode*, or in the new cut, as that the ways of our Forefathers would agree with our Cuſtoms. Dos not every man now

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now ſee, that if the Kings in thoſe days had ſettl'd the Eſtates of the Nobility by a Law, reſtraining them from ſelling their Land ſuch a Law had bin an Agrarian, and yet not warring againſt their antient Cuſtoms, but preſerving them? Wherfore neither dos the Agrarian propos'd, taking the Balance of Eſtates as ſhe now finds them, make War againſt, but confirm the preſent Cuſtoms. The only Objection that can ſeem in this place to ly, is, that wheras it has bin the Cuſtom of *Oceana* that the bulk of the Eſtate ſhould deſcend to the eldeſt Son, by the Agrarian he cannot, in caſe he has more Brothers, inherit above two thouſand pounds a year in Land, or an equal ſhare. But neither dos this, whether you regard the Parents or the Children, make War with Cuſtom. For putting the caſe the Father has twenty thouſand pounds a year in Land, he gos not the leſs in his cuſtom or way of Life for the Agrarian, becauſe for this he has no leſs: and if he has more or fewer Sons to whom his Eſtate deſcends by equal or inequal portions, neither do they go leſs in their ways or cuſtoms of Life for the Agrarian, becauſe they never had more. *But*, ſays ARISTOTLE (ſpeaking of the Oſtraciſm as it ſupplys the defect of an Agrarian) *this courſe is as neceſſary to Kings as to Commonwealths.* By this means the Monarchys of *Turky* and of *Spain* preſerve their Balance; thro the neglect of this has that of the Nobility of *Oceana* bin broken: and this is it which the Prevaricator, in adviſing that the Nobility be no further level'd than will ſerve to keep the People under, requires of his Prince. So, That an Agrarian is neceſſary to Government, be it what it will, is on all hands concluded.

Chap. 12.

Pol. L. 5. c. 9

CHAP. XII.

Whether Courſes or a Rotation be neceſſary to a well-order'd Commonwealth. In which is contain'd the Courſes or Parembole of Iſrael *before the Captivity, together with the Epitome of* Athens *and* Venice.

ONE bout more and we have don: This (as reaſon good) will be upon Wheels or Rotation: For, Oceana, p. 54.

AS the Agrarian anſwers to the equality of the Foundation or Root, ſo dos Rotation to the equality of the Superſtructures or Branches of a Commonwealth.

EQUAL Rotation is equal Viciſſitude in, or Succeſſion to Magiſtracy confer'd for equal terms, injoining ſuch equal Vacations, as cauſe the Government to take in the Body of the People, by parts ſucceeding others, thro the free Election or Suffrage of the whole.

THE contrary wherto is prolongation of Magiſtracy, which, traſhing the wheel of Rotation, deſtroys the Life or natural Motion of a Commonwealth.

THE Prevaricator, whatever he has don for himſelf, has don this for me, that it will be out of doubt whether my Principles *be capable of greater Obligation or Confirmation, than by having Objections made againſt them.* Nor have I bin altogether ingrateful, or nice of my Labor, but gon far (much farther than I needed) about, that I might return with the more valuable Preſent to him that ſent me on the errand:

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Book I. errand: I ſhall not be ſhort of like proceding upon the preſent Subject, but rather over.

ROTATION in a Commonwealth is of the Magiſtracy, of the Senat, of the People; of the Magiſtracy and the People; of the Magiſtracy and the Senat; or of the Magiſtracy, of the Senat, and of the People: which in all com to ſix kinds.

Grot. FOR example of Rotation in the Magiſtracy, you have the Judg of *Iſrael*, call'd in Hebrew *Shophet*. The like Magiſtracy after the Kings ITHOBAL and BAAL came in uſe with the *Tyrians*; from theſe, with their Poſterity the *Carthaginians*, who alſo call'd their ſupreme Magiſtrats, being in number two, and for their Term Annual, *Shophetim*, which the Latins by a ſofter pronunciation render *Suffetes*.

THE *Shophet* or *Judg of Iſrael* was a Magiſtrat, not, that I can find, oblig'd to any certain term, throout the Book of *Judges*; nevertheleſs, it is plain, that his election was occaſional, and but for a time, after the manner of a Dictator.

TRUE it is, that ELI and SAMUEL rul'd all their lives; but upon this ſuch impatience in the People follow'd, thro the Corruption of their Sons, as was the main cauſe of the ſucceding Monarchy.

THE Magiſtrats in *Athens* (except the *Areopagits*, being a Judicatory) were all upon Rotation. The like for *Lacedemon* and *Rome*, except the Kings in the former, who were indeed hereditary, but had no more Power than the Duke in *Venice*, where all the reſt of the Magiſtrats (except the *Procuratori*, whoſe Magiſtracy is but mere Ornament) are alſo upon Rotation.

Pol. l. 2. c. 7. FOR the Rotation of the Senat you have *Athens*, the *Achæans*, *Ætolians*, *Lycians*, the *Amphictionium*; and the Senat of *Lacedemon* reprov'd, in that it was for life, by ARISTOTLE: Modern Examples of like kind are the Diet of *Switzerland*, but eſpecially the Senat of *Venice*.

FOR the Rotation of the People, you have firſt *Iſrael*, where the Congregation (which the *Greecs* call *Eccleſia*; the *Latins*, *Comitia*, or *Concio*) having a twofold capacity; firſt, that of an Army, in which they were the conſtant Guard of the Country; and, ſecondly, that of a Repreſentative, in which they gave the Vote of the People, at the creation of their Laws, or election of their Magiſtrats, was Monthly.

1 Chron. 27. 1. *Now the Children of* Iſrael *after their Number, to wit, the chief Fathers and Captains of thouſands and hundreds, and their Officers that ſerv'd the King in any matter of the Courſes, which came in, and went out month by month, throout all the months of the year, of every Courſe were twenty and four thouſand.*

Grot. ad loc. SUCH a multitude there was of military Age, that without inconvenience, four and twenty thouſand were every month in Arms, whoſe term expiring, others ſucceded, and ſo others; by which means the Rotation of the whole People came about in the ſpace of one year. The Tribuns, or Commanders of the Tribes in Arms, or of the Prerogative for the month, are nam'd in the following part of the Chapter, to the ſixteenth Verſe; where begins the enumeration of the Princes (tho GAD and ASHUR, for what reaſon I know not, be omitted) of the Tribes, remaining in their Provinces, where they judg'd the People, and as they receiv'd Orders, were to bring or ſend ſuch farther Inforcement or Recruits as occaſion requir'd to the Army: after theſe, ſome

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other Officers are mention'd. There is no queſtion to be made but this Rotation of the People, together with their Prerogative or Congregation, was preſerv'd by the monthly Election of two thouſand Deputys in each of the twelve Tribes, which in all came to four and twenty thouſand; or let any man ſhew how otherwiſe it was likely to be don, the nature of their Office being to give the Vote of the People, who therfore ſure muſt have choſen them. By theſe the Vote of the People was given to their Laws, and at Elections of their Magiſtrats. Chap. 12.

TO their Laws, as where DAVID propoſes the reduction of the Ark: *And* DAVID *conſulted with the Captains of thouſands and hundreds, and with every Leader. And* DAVID *ſaid to all the Congregation of* Iſrael, *If it ſeems good to you, and it be of the Lord God, let us ſend abroad to our Brethren every where* (the Princes of Tribes in their Provinces) *that are left in the Land of* Iſrael, *and with them alſo to the Prieſts and Levites, which are in the Citys and Suburbs, that they may gather themſelves to us; and let us bring again the Ark of our God to us, for we inquir'd not at it in the days of* SAUL. *And all the Congregation* (gave their Suffrage in the Affirmative) *ſaid that they would do ſo; for the thing was right in the eys of the People. Nulla lex ſibi ſoli conſcientiam Juſtitiæ ſuæ debet, ſed eis a quibus obſequium expectat.* Now that the ſame Congregation or Repreſentative gave the Vote of the People alſo in the Election of Prieſts, Officers and Magiſtrats; *Moreover* DAVID *and the Captains of the Hoſt ſeparated to the Service of the Sons of* ASAPH, *and of* HEMAN, *and of* JEDUTHUN, *who ſhould propheſy with Harps, with Pſalterys, and with Cymbals.* But upon the occaſion to which we are more eſpecially beholden for the preſervation and diſcovery of this admirable Order (DAVID having propos'd the buſineſs in a long and pious ſpeech) the Congregation *made* SOLOMON *the Son of* DAVID *King the ſecond time, and anointed him to the Lord to be chief Governor, and* ZADOK *to be Prieſt.* For as to the firſt time that SOLOMON was made King, it happen'd, thro the Sedition of ADONIJAH, to have been don in haſt and tumultuouſly by thoſe only of *Jeruſalem*; and the reaſon why ZADOK is here made Prieſt, is, that ABIATHAR was put out for being of the Conſpiracy with ADONIJAH.

1 Chron. 13. Grot. e Tertul. 1 Chron. 25. 1 Chron. 28. 2. 1 Chron. 29. 22. 1 Kings 1.

I MAY expect (by ſuch Objections as they afford me) it ſhould be alleg'd, that to prove an Order in a Commonwealth, I inſtance in a Monarchy; as if there were any thing in this Order monarchical, or that it could, if it had not bin ſo receiv'd from the Commonwealth, have bin introduc'd by the Kings, to whom in the judgment of any ſober man (the Prevaricator only excepted, who has bin huckling about ſom ſuch Council for his Prince) no leſs could have follow'd upon the firſt frown of the People, than did in REHOBOHAM, who having us'd them roughly, was depos'd by the Congregation, or the *major* part. It is true, that while *Iſrael* was an Army, the Congregation, as it needed not to aſſemble by way of Election or Repreſentative, ſo I believe it did not; but that by all *Iſrael* aſſembl'd to this end, ſhould be meant the whole People after they were planted upon their Lots, and not their Repreſentative, which in a political ſenſe is as properly ſo call'd, were abſurd and impoſſible. Nor need I go upon preſumtion only, be the ſame never ſo ſtrong, ſeeing it is ſaid in Scripture of the *Korathites, that they were keepers of the Gates of the Tabernacle, and their Fathers being over the Hoſt of the Lord, were keepers of the Entry*: That is, (according to the Interpretation of GROTIUS) the *Korathites* were

1 Kings 12. 1 Chron. 9. 29.

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Book I. now keepers of the Gates, as it appears in the Book of *Numbers*, their Anceſtors the *Kohathites* had bin in the Camp, or while *Iſrael* was yet an Army. But our Tranſlation is lame in the right foot, as to the true diſcovery of the antient manner of this ſervice, which according to the Septuagint and the vulgar Latin was thus, *they were keepers of the Gates of the Tabernacle* (ἡ πατέρες αὐτων ἐπὶ τῆς παρεμβολῆς, *& familiæ eorum per vices*) *and their Fathers by turns, or Rotation.* So that Offices and Services by Courſes, Turns, or Rotation, are plainly more antient than Kings in the Commonwealth of *Iſrael*, tho it be true that when the Courſes or Rotation of the Congregation or Repreſentative of the People were firſt introduc'd, is as hard to ſhew, as it would be how, after the People were once planted upon their Lots, they could be otherwiſe aſſembl'd. If writers argue well and lawfully from what the *Sanhedrim* was in the inſtitution by JEHOSAPHAT, to what it had more antiently bin; to argue from what the Congregation was in the inſtitution by DAVID, to what it had more antiently bin, is ſufficiently warranted.

Numb. 4.

THESE things rightly conſider'd, there remains little doubt but we have the courſes of *Iſrael* for the firſt example of Rotation in a popular Aſſembly. Now to com from the *Hebrew* to the *Grecian* Prudence, the ſame is approv'd by ARISTOTLE, which he exemplifys in the Commonwealth of THALES MILESIUS, where the People, he ſays, aſſembl'd (τὸ κατὰ μέρος, ἀλλὰ μὴ πάντας ἀθρόους) *by turns or Rotation.* Nor is the *Roman* Prudence without ſom ſhadow of the like Proceding, where the Prerogative *(pro tempore)* with the *jure vocatæ* being made by Lot, gave frequently the Suffrage of the whole People. But the *Gothic* Prudence in the Policy of the third State, runs altogether upon the Collection of a Repreſentative by the Suffrage of the People (tho not ſo diligently regulated, by Terms and Vacations, as to a ſtanding Aſſembly were neceſſary, by Turns, Rotation, Parembole or Courſes) as in the election of the late Houſe of Commons, and the conſtitutive Viciſſitude of the Knights and Burgeſſes, is known by ſufficient experience.

Pol. l.4.c.14.

WHEN the Rotation of a Commonwealth is both in the Magiſtracy and the People, I reckon it to be of a fourth kind, as in *Iſrael*, where both the Judg and the Congregation were ſo elected.

THE fifth kind is when the Rotation of a Commonwealth is in the Magiſtracy and the Senat, as in thoſe of *Athens*, of the *Achæans*, of the *Ætolians*, of the *Lycians*, and of *Venice*; upon which examples, rather for the influence each of them, at leaſt *Athens*, may have upon the following Book, than any great neceſſity from the preſent occaſion, I ſhall inlarge in this place.

THE Commonwealth of *Athens*, was thus adminiſter'd.

Epitome of the Athenian *Common-wealth.*

THE *Senat of the Bean* being the propoſing Aſſembly (for that of the *Areopagits*, call'd alſo a *Senat*, was a *Judicatory*) conſiſted of four hundred Citizens choſen by Lot, which was perform'd with Beans. Theſe were annually remov'd all at once: By which means *Athens* became fruſtrated of the natural and neceſſary uſe of an Ariſtocracy, while neither her Senators were choſen for their parts, nor remain'd long enough in this Function to acquire the right underſtanding of their proper Office. Theſe thus elected, were ſubdivided by Lot into four equal parts, call'd *Prytanys*, each of which for one quarter of the year was

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was in Office. The *Prytany*, or *Prytans* in office, elected ten Presidents, call'd *Proedri*, out of which *Proedri* or Presidents they weekly chose one Provost of the Council, who was call'd the *Epistata*. The *Epistata* and the *Proedri* were the more peculiar Proposers to the *Prytans*, and to the *Prytans* it belong'd especially to prepare business (πρὸ τῆς βελῆς καὶ πρὸ τῆς ἐκκλησίας) for the Senat. They gave also audience to any that would propose any thing concerning the Commonwealth, which if, when reported by the *Prytans*, it were approv'd by the Senat, the Party that propos'd might promulgat the business; and Promulgation being made, the Congregation assembl'd, and determin'd of it. *Sic data concio Lælio est, processit ille, & Græcus apud Græcos non de culpa sua dixit, sed de pœna questus est; porrexerunt manus, Psephisma natum est.* Chap. 12. Petit. de Leg. Att. Cic. pro Flac.

THE *Prytans* and their Magistrats had right to assemble the Senat, and propose to them; and what the Senat determin'd upon such a Proposition, if forthwith to be offer'd to the People, as in privat cases, was call'd *Proboulema*; but if not to be propos'd till the People had a year's trial of it, as was the ordinary way in order to Laws to be enacted, it was call'd *Psephisma*; each of which words, with that difference, signifys a Decree. A Decree of the Senat in the latter sense had for one year the Power of a Law, after which trial it belong'd to the *Thesmothetæ* (προγράφειν) to hang it in writing upon the Statues of the Heros, and assemble the Congregation. These Magistrats were of the number of the *Archons*, which in all were nine; the chief, more peculiarly so call'd, was ARCHON EPONYMUS, he by whose name the year was reckon'd or denominated (his Magistracy being of a Civil concernment) the next was the King (a Magistrat of a Spiritual concernment) the third the Polemarch (whose Magistracy was of a Military concernment) the other six were the *Thesmothetæ*, who had several Functions common with the nine; others peculiar or proper to themselves, as (προγράφειν) to give the People (by Placarts) notice when the Judicatorys were to assemble, that is, when the People were to assemble in that capacity, and to judg according to the Law made; or, when the Senat or the People were to assemble upon an εἰσαγγελία, a Crime that was not provided against by the Law, as that of ALCIBIADES (the Wits about that time in *Athens* being most of them Atheists) for laughing at CERES, discovering her Secrets, and shaving of the MERCURYS. If an *Archon* or *Demagog* was guilty of such a Crime, it belong'd to the cognizance of the Senat, otherwise to that of the People whom the *Thesmothetæ* were also in like manner to warn, when they were to com to the Suffrage. Ulpian ad Phil. 1. Poll. l. 8. c. 8. L. 8. c. 16.

THESE six, like the Electors in *Venice*, presided at all Elections of Magistrats, whether made by the Lot as the Judges, or by Suffrage as the new Archons, the Strategus or General, and most of the rest. They also had the hearing and introducing of all Causes into the Judicatorys.

BUT the right of assembling the *Ecclesia* or Congregation belong'd to the *Prytans*, by whom the Senat propos'd to the People.

THE Congregation consisted of all them that were upon the Roll of the *Lexiarcha*, that is to say, of the whole People having right to the City. The *Prytans* seated upon a Tribunal, were Presidents of this Assembly; the Assembly having sacrific'd and made Oath of Fidelity to the Commonwealth, the *Proedri* or Presidents of the *Prytans*

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Book I. propos'd by *Authority of the Senat to the People* in this manner: July *the* 16th POLICLES *being* Archon, *and the Tribe of* Pandion *in the Prytaneat*, DEMOSTHENES PÆANEUS *thought thus, or was of this opinion.* The ſame Cuſtom wherby the firſt Propoſer ſubſcribes his Opinion or Part with his Name, is at this day in *Venice.* Propoſition being made, ſuch of the People as would ſpeak were call'd to the Pulpit; they that were fifty years of Age, or upwards, were to com firſt, and the younger afterwards; which cuſtom of prating in this manner made excellent Orators or Demagogs, but a bad Commonwealth.

FROM this, that the People had not only the Reſult of the Commonwealth, but the Debate alſo, *Athens* is call'd a Democracy; and this kind of Government is oppos'd to that of *Lacedemon*, which, becauſe the People there had not the power of Debate, but of Reſult only, was call'd an *Ariſtocracy*, ſomtimes an *Oligarchy:* thus the *Greecs* commonly are to be underſtood, to diſtinguiſh theſe two; while according to my Principles, if you like them, Debate in the People makes Anarchy; and where they have the Reſult and no more, the reſt being manag'd by a good Ariſtocracy it makes that which is properly and truly to be call'd *Democracy*, or *Popular Government.* Neither is this Opinion of mine new, but according to the Judgment of ſom of the *Athenians* themſelves; for ſays ISOCRATES in his Oration to the *Areopagits* for Reformation of the *Athenian* Government, *I know the main reaſon why the* Lacedemonians *flouriſh to be, that their Commonwealth is popular.* But to return. As many of the People as would, having ſhew'd their Eloquence, and with theſe the Demagogs, who were frequently brib'd, conceal'd their Knavery; the *Epiſtata*, or Provoſt of the *Proedri*, put the Decree or Queſtion to the Vote, and the People gave the Reſult of the Commonwealth by their *Chirotonia*, that is, by holding up their hands: the Reſult thus given, was the Law or *Pſephiſma* of the People.

Dem. Phil. 1. NOW for the Functions of the Congregation, they were divers; as firſt, Election of Magiſtrats (οὐκ ἐχειροτονεῖτε δὲ ἐξ ὑμῶν αὐτῶν δέκα Ταξιάρχους καὶ Στρατηγοὺς καὶ Φυλάρχους, καὶ Ἱππάρχους δύο;) namely, the Archons, the Strategus or General, the Field Officers, the Admirals, with divers others, all, or the chief of them annual, and commonly upon Terms and Vacations; tho it be true, as PLUTARCH has it, that PHOCION was Strategus four years together, having that Honor ſtill put upon him by the Congregation, without his ſeeking. The next Office of this Aſſembly was to elect Judges into five Courts or Judicatorys; for the People being in the Bulk too unwieldy a Body for the performance of this duty, they exercis'd the ſupreme Judicature by way of Repreſentative, into which Election was made by Lottery, in ſuch a manner that five hundred, one thouſand, or 1500 of them (according to the importance of the occaſion) being above thirty years of Age, and within the reſt of the Qualifications in that caſe provided by the Law, became the Soverain Judicatory, call'd the *Heliæa.* In all Elections, whether by Lot or Suffrage, the *Theſmothetæ* were Preſidents, and order'd the Congregation. Furthermore, if they would amend, alter, repeal, or make a Law, this alſo was don by a Repreſentative, of which no man was capable that had not bin of the *Heliæa*, for the reſt elected out of the whole People: this amounting to one thouſand, was call'd the *Nomothetæ* or Legiſla-

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Legiſlators. No Law receiv'd by the People could be abrogated but by the *Nomothetæ*; by theſe any *Athenian*, having obtain'd leave of the Senat, might abrogat a Law, provided withal he put another in the Place of it. Theſe Laws the *Proedri* of the *Prytans* were to put to the Suffrage. Chap. 12.

FIRST, the old, whether it agreed with the *Athenian* People, or not? then the new; and whether of theſe happen'd to be chirotoniz'd or voted by the *Nomothetæ*, was ratify'd, according to that piece of the *Athenian* Law cited by DEMOSTHENES againſt TIMOCRATES, ὁπότερον δ' ἂν τῶν νόμων χειροτονήσωσιν οἱ νομοθέται, τοῦτον κύριον εἶναι. What has bin ſaid of the Commonwealth of *Athens*, in relation to the preſent purpoſe, amounts to thus much, That not only the Senat and the Magiſtracy in this Policy was upon Rotation, but even the People alſo, at leaſt as to the *Nomothetæ*, or their Legiſlative Power, and the ſupreme Judicatory of the *Heliæa*, each of theſe being a Repreſentative, conſtituted of one thouſand, or fifteen hundred Citizens.

BUT for what follows in the ſecond Book, it is neceſſary that I obſerve in this place the proceding of certain Divines, who indeavour to make uſe of this Commonwealth for ends of their own, as particularly Dr. SEAMAN; who in his Book call'd *Four Propoſitions*, argues after this manner.

CHIROTONIA (as SUIDAS *has it) ſignifys both* Plebiſcitum, *a Law made by the People, and* Pſephiſma. *Now*, ſay he, Pſephiſma *is the ordinary word us'd in the* Attic *Laws, and in* DEMOSTHENES *for* Senatuſconſultum, *a Law made by the Senat:* whence he draws this Concluſion; *As, when the People make a Law, they are ſaid to Chirotonize; ſo may the Rulers, in like manner, in thoſe Laws that are made by themſelves alone.*

THESE ways with Divines are too bad. The words of SUIDAS are theſe (χειροτονία, ἐκλογη, πάντων κύρωσις) Chirotonia *is Election or Ratification by the Many:* which expreſly excludes the Few or the Senat from being otherwiſe contain'd by the word *Chirotonia*, than a part is by the whole. Nor has the Author the word *Pſephiſma*, or *Plebiſcitum* in the place. I would fain know what other word there is in *Greec* for *Plebiſcitum* but *Pſephiſma*; and yet the Doctor puts it upon SUIDAS, that he diſtinguiſhes between theſe two, and taking that for granted where he finds *Pſephiſma* in DEMOSTHENES and the *Attic* Laws, will have it to ſignify no more than a Decree of the Senat. It is true that ſom Decrees of the Senat were ſo call'd, but thoſe of the People had no other name; and whenever you find *Pſephiſma* in DEMOSTHENES or the *Attic* Laws, for a Law, there is nothing more certain than that it is to be underſtood of the People: for to ſay that a Law in a Popular Commonwealth can be made without the People, is a Contradiction.

THE ſecond Paſſage is a What think you of theſe words of POLLUX, ἰδίᾳ δὲ οἱ μὲν θεσμοθέται προγράφουσι, ποτὲ δεῖ δικάζειν τὰ δικαστήρια. καὶ τὰς εἰσαγγελίας εἰσαγγέλλουσιν εἰς τὸν δῆμον καὶ τὰς χειροτονίας. Which the Doctor having engliſh'd in this manner, *The* Theſmothetæ *do privatly preſcribe when Judgment is to be given, and promulge public Accuſations and Suffrages to the People*, aſks you *whoſe Suffrages were theſe, if not the Rulers?* By which ſtrange Conſtruction, where POLLUX having Poll. lib. 8. c. 9.

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Book I. having firſt related in what part the function of the *Theſmothetæ* was common with that of the nine Archons, coms (ἰδία δὲ) to ſhew you what was peculiar to themſelves, namely, to give notice when the *Heliæa* or other Judicatorys were to aſſemble; the Doctor renders it, *they do privatly preſcribe:* as if the Seſſion of a Court of Juſtice, and ſuch a one as contain'd a thouſand Judges, being the Repreſentative of the whole People, were to be privatly preſcrib'd. Then to this *privat preſcribing of Juſtice,* he adds, that they do *publicly promulge* (εἰσαγγελίας) Citations upon Crimes not within the written Law; as if privat Preſcription and public Promulgation could ſtand together. Next, wheras Promulgation in the very nature of the word ſignifys an Act before a Law made, he preſumes the Law to be firſt made by the Rulers, and then promulgated by the *Theſmothetæ* to the People, kim kam to the experience of all Commonwealths, the nature of Promulgation, and the ſenſe of his Author, whoſe words, as I ſhew'd before, declare it to have bin the *proper or peculiar office of the* Theſmothetæ *to give the People notice when they were to aſſemble for Judicature, or when for giving their* Chirotonia *or Suffrage, by Promulgation of the Cauſe* (εἰς τὸν δῆμον) *upon which they were to determin.*

FOR the fourth paſſage, the Doctor quoting a wrong place for theſe words, χειροτονήσωσιν οἱ νομοθέται, that the *Nomothetæ* (being a Repreſentative, as I ſhew'd, of the whole People, choſen by Lot, and in number one thouſand) *chirotoniz'd, or gave the Legiſlative Suffrage*; thence infers, that the *Rulers chirotoniz'd, voted or made Laws by themſelves without the People:* which is as if one ſhould ſay, that the Prerogative Tribe in *Rome*, or the Houſe of Commons in *England*, gave their Vote to ſuch or ſuch a Law, therfore it was made by the Rulers alone, and not by the People of *Rome* or of *England.*

FOR the fourth Paſſage, STEPHANUS quotes DEMOSTHENES at large in theſe words, οὔτε βουλῆς, οὔτε δήμου χειροτονήσαντος αὐτόν. This the Doctor interprets of an Officer; to which I ſhall ſay more, when he ſhews me where the Sentence is, or what went before: for as yet I do not know of an Officer in any Commonwealth, whoſe Election was indifferently made, either by the Senat or by the People; nor do I think the Doctor has look'd further for this than STEPHENS, who has not interpreted it.

THE fifth paſſage is, *That a Decree of the Senat in* Athens *had the force of a Law for one year, without the People.* So had the Edicts of the Prætors in *Rome:* but I would fain know, whence the Senat in *Athens*, or the Prætors in *Rome*, originally deriv'd this Right (which was no more than that ſuch Laws might be Probationers, and ſo better underſtood when they came to the vote) but from the *Chirotonia*, or Suffrage of the People.

THE ſixth paſſage ſtops the mouths of ſuch as having nothing to ſay to the matter of my writing, pick quarrels with the manner or freedom of it, the Liberty I take in the defence of Truth; ſeeing the Doctor takes a greater liberty upon other terms, while he bids his Antagoniſt (one that defended the Cauſe now in my hand) *go and conſult his Authors*, namely, STEPHENS and BUDÆUS again: for, ſays he, *you wrong thoſe learned Men, while you would have us believe that they were as ignorant of the* Greek *Story as yourſelf, or that things are to be found in them which are not.* To which Confidence I have better leave

leave to ſay, that the Doctor ſhould do well to take no worſe Counſil than he gives. Chap. 12.

BUT what is becom of my Prevaricator? I have quite loſt him, elſe I ſhould have intreated him to compare his notes out of my Sermon, with theſe out of the Doctor's; or retract that ſame affectation, in ſaying, *I know not how, but Mr.* HARRINGTON *has conceiv'd a great unkindneſs for the Clergy.* As if theſe their Stratagems, with which they make perpetual War againſt the unwary People, did not concern a man that has undertaken the cauſe of Popular Government.

THE Policy of the *Achæans* conſiſted of divers Commonwealths under one, which was thus adminiſter'd. The Citys ſent their Deputys twice every year of courſe, and oftner if they were ſummon'd by their *Strategus*, or their *Demiurges*, to the place appointed. The *Strategus* was the Supreme Magiſtrat both Military and Civil, and the *Demiurges* being ten, were his Council, all Annual Magiſtrats elected by the People. This Council thus conſtituted, was call'd the *Synarchy*, and perform'd like Dutys, in relation to the Senat, conſiſting of the Deputys ſent by their peculiar Soveraintys or Citys, as the *Prytans* to that in *Athens*. The Policys of the *Ætolians* and *Lycians* are ſo near the ſame again, that in one you have all. So both the Senats and the Magiſtracy of theſe Commonwealths were upon Rotation. To conclude with *Venice*.

Epitome of the Commonwealth of Venice.

THE Commonwealth of *Venice* conſiſts of four parts; the Great Council, the Senat, the College, and the Signory.

The Great Council.

THE Great Council is the aggregat Body of the whole People, or Citizens of *Venice*, which, for the paucity of their number, and the Antiquity of their Extraction, are call'd *Gentlemen*, or *Noble Venetians*. Every one of them at five and twenty years of age has right of Seſſion and Suffrage in this Council; which right of Suffrage, becauſe throout this Commonwealth, in all Debates and Elections, it is given by the Ballot, is call'd *the right of Balloting*, wherby this Council being the Soverain Power, creates all the reſt of the Orders, Councils, or Magiſtracys; and has conſtitutively the ultimat Reſult, both in caſes of Judicature, and the Conſtitution of Laws.

The Senat.

THE Senat, call'd alſo the *Pregati*, conſiſts of ſixty Senators properly ſo ſtil'd, wherof the Great Council elects ſix on a day, beginning ſo long before the month of *October*, that theſe being all choſen by that time, then receive their Magiſtracy: it conſiſts alſo of ſixty more, call'd the *Junta*, which are elected by the Scrutiny of the Old Senat, that is, by the Senat propoſing, and the Great Council reſolving; the reſt of their Creation is after the ſame manner with the former. In the Sixty of the Senat, there cannot be above three of any one Kindred or Family, nor in the *Junta* ſo many, unleſs there be fewer in the former. Theſe Magiſtracys are all annual, but without interval, ſo that it is at the pleaſure of the Great Council, whether a Senator having finiſh'd his year, they will elect him again.

The College.

THE College is a Council conſiſting more eſpecially of three Orders of Magiſtrats call'd in their Language *Savi*; as the *Savi grandi*, to whoſe cognizance or care belong the whole affairs of Sea and Land; the *Savi di Terra ferma*, to whoſe care and cognizance belong the affairs of the Land; and the *Savi di Mare*, to whoſe cognizance appertain

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pertain the affairs of the Sea, and of the Ilands. Theſe are elected by the Senat, not all at once, but for the *Savi grandi*, who are ſix, by three at a time, with the interpoſition of three months; and for the *Savi di Terra ferma*, and the *Savi di Mare*, who are each five, after the ſame manner, ſave only that the firſt Election conſiſts of three, and the ſecond of two. Each Order of the *Savi* elects weekly one Provoſt, each of which Provoſts has Right in any affair belonging to the cognizance of his Order, to propoſe to the College. Audience of Embaſſadors, and matters of foren Negotiation, belong properly to this Council.

The Signory.

THE Signory conſiſts of the Duke and of his Counſillors. The Duke is a Magiſtrat created by the Great Council for Life, to whom the Commonwealth acknowleges the Reverence due to a Prince, and all her Acts run in his name; tho without the Counſillors he has no Power at all, while they can perform any Function of the Signory without him. The Counſillors, whoſe Magiſtracy is annual, are elected by the Scrutiny of the Senat, naming one out of each Tribe (for the City is locally divided into ſix Tribes) and the Great Council approving; ſo the Counſillors are ſix, whoſe Function in part is of the nature of Maſters of Requeſts, having withal power to grant certain Privileges: but their greateſt preeminence is, that all, or any one of them may propoſe to any Council in the Commonwealth.

Certain Rights of the Councils.

THE Signory has Seſſion and Suffrage in the College, the College has Seſſion and Suffrage in the Senat, and the Senat has Seſſion and Suffrage in the Great Council. The Signory, or the Provoſts of the *Savi*, have power to aſſemble the College, the College has power to aſſemble the Senat, and the Senat has power to aſſemble the Great Council; the *Signiori*, but more peculiarly the Provoſts of the *Savi*, in their own Offices and Functions, have power to propoſe to the College, the College has power to propoſe to the Senat, and the Senat has power to propoſe to the Great Council. Whatever is thus propos'd and reſolv'd, either by the Senat (for ſomtimes thro the ſecurity of this Order, a Propoſition gos no further) or by the Great Council, is ratify'd, or becoms the Law of the Commonwealth. Over and above theſe Orders, they have three Judicatorys, two Civil and one Criminal, in each of which forty Gentlemen elected by the Great Council are Judges for the term of eight months; to theſe Judicatorys belong the *Avogadori* and the *Auditori*, who are Magiſtrats, having power to hear Cauſes apart, and, as they judge fitting, to introduce them into the Courts.

IF a man tells me, that I omit many things, he may perceive I write an Epitome, in which no more ſhould be comprehended, than that which underſtood may make a man underſtand the reſt. But of theſe principal parts conſiſts the whole body of admirable *Venice*.

THE *Conſiglio de' Dieci*, or Council of Ten, being that which partakes of Dictatorian Power, is not a limb of her, but as it were a Sword in her hand. This Council (in which the Signory has alſo Seſſion and Suffrage) conſiſts more peculiarly of ten annual Magiſtrats, created by the Great Council, who afterwards elect three of their own number by Lot, which ſo elected are call'd *Capi de' Dieci*, their Magiſtracy being monthly: Again, out of the three *Capi*, one is taken by Lot, whoſe Magiſtracy is weekly: this is he, who over againſt the Tribunal in the Great Council ſits like another Duke, and is call'd the Provoſt

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Provoſt of the *Dieci*. It belongs to theſe three Magiſtrats to aſſemble the Council of Ten, which they are oblig'd to do weekly of courſe, and oftner as they ſee occaſion. The Council being aſſembled, any one of the Signory, or two of the *Capi* may propoſe to it: the power which they now exerciſe (and wherin for their aſſiſtance they create three Magiſtrats call'd the *Grand Inquiſitors*) conſiſts in the puniſhment of certain heinous Crimes, eſpecially that of Treaſon; in relation wherto they are as it were Sentinels, ſtanding upon the guard of the Commonwealth: But conſtitutively (with the addition of a *Junta*, conſiſting of other fifteen, together with ſome of the chief Magiſtrats having Right in caſes of important ſpeed or ſecrecy to this Council) they have the full and abſolute Power of the whole Commonwealth as Dictator. Chap. 12.

THAT *Venice* either tranſcrib'd the whole and every part of her Conſtitution out of *Athens* and *Lacedemon*, or happens to be fram'd as if ſhe had ſo don, is moſt apparent. The Reſult of this Commonwealth is in the Great Council, and the Debate in the Senat; ſo was it in *Lacedemon*. A Decree made by the Senat of *Athens* had the power of a Law for one year without the People, at the end wherof the People might revoke it: A Decree of the Senat of *Venice* ſtands good without the Great Council, unleſs theſe ſee reaſon to revoke it. The *Prytans* were a Council preparing buſineſs for the Senat; ſo is the *Collegio* in *Venice*: the Preſidents of the *Prytans* were the ten *Proedri*; thoſe of the *Collegio* are the three Provoſts of the *Savi*. The Archons or Princes of *Athens* being nine, had a kind of Soverain Inſpection upon all the Orders of the Commonwealth; ſo has the Signory of *Venice*, conſiſting of nine beſides the Duke. The Quarancys in *Venice* are Judicatorys of the nature of the *Heliæa* in *Athens*; and as the *Theſmothetæ* heard and introduc'd the cauſes into that Judicatory, ſo do the *Avogadori* and the *Auditori* into theſe. The *Conſiglio de' Dieci* in *Venice* is not of the Body, but an Appendix of the Commonwealth; ſo was the Court of the *Ephori* in *Lacedemon*: and as theſe had power to put a King, a Magiſtrat, or any Delinquent of what degree ſoever to death, ſo has the *Conſiglio de' Dieci*. This again is wrought up with the *Capi de' Dieci*, and the weekly Provoſt, as were the *Prytans* with the *Proedri*, and the weekly *Epiſtata*; and the Ballot is lineally deſcended from the Bean: yet is *Venice* in the whole, and in every part, a far more exquiſit Policy than either *Athens* or *Lacedemon*.

A POLITICAL is like a natural Body. Commonwealths reſemble and differ, as Men reſemble and differ; among whom you ſhall not ſee two Faces, or two Diſpoſitions, that are alike. PETER and THOMAS in all their parts are equally Men, and yet PETER and THOMAS of all Men may be the moſt unlike; one may have his greater ſtrength in his Arms, the other in his Legs; one his greater Beauty in his Soul, the other in his Body; one may be a fool, the other wiſe; one valiant, the other cowardly. Theſe two, which at a diſtance you will not know one from the other, when you look nearer, or com to be better acquainted with, you will never miſtake. Our Conſiderer (who in his Epiſtle would make you believe that *Oceana* is but a mere Tranſcription out of *Venice*) has Companions like himſelf; and how near they look into matters of this nature is plain, while one knows not JETHRO from MOSES, and the

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Book I. other takes a ſtate of Civil War to be the beſt model of a Civil Government.

LET a Man look near, and he ſhall not find any one Order in *Oceana* (the Ballot only excepted) that has not as much difference from, or reſemblance to any one Order in *Rome* or *Venice*, as any one Order in *Rome* or *Venice* has from, or to any one Order in *Athens* or *Lacedemon:* Which different temper of the parts muſt of neceſſity in the whole yield a Reſult, a Soul or Genius, altogether new in the World, as imbracing both the Arms of *Rome*, and the Counſils of *Venice*; and yet neither obnoxious to the Turbulency of the one, nor the Narrowneſs of the other.

BUT the ſum of what has bin ſaid of *Venice*, as to the buſineſs in hand, coms to no more than that the Senat and the Magiſtracy of this Commonwealth are upon Rotation. No more: nay I am well if it coms to ſo much. For the Prevaricator catching me up, where I ſay, that for all this the greater Magiſtracys in *Venice* are continually wheel'd thro a few hands, tells me, that *I have confeſt it to be otherwiſe.* I have indeed confeſt, that tho the Magiſtracys are all confer'd for certain terms, yet thoſe terms do not neceſſitat Vacations; that is, the term of a Magiſtracy being expir'd, the Party that bore it is capable upon a new Election of bearing it again without interval or vacation: which does not altogether fruſtrat the Rotation of the Commonwealth, tho it renders the ſame very imperfect. This infirmity of *Venice* derives from a complication of Cauſes, none of which is incident to a Commonwealth conſiſting of the Many: wherfore there lys no obligation upon me to diſcover the reaſon in this place. But on the contrary, ſeeing, let me ſhew things never ſo new, they are ſlighted as old, I have an obligation in this place, to try whether I may get eſteem by concealing ſomething. What is ſaid, every body knew before; this is not ſaid, who knows it?

Conſid. *p.*93.

A Riddle.

RIDDLE *me, Riddle me, what is this? The Magiſtracys in* Venice *(except ſuch as are rather of Ornament than of Power) are all annual, or at moſt biennial. No man whoſe term is expir'd, can hold his Magiſtracy longer, but by a new Election. The Elections are moſt of them made in the Great Council, and all by the Ballot, which is the moſt equal and impartial way of Suffrage. And yet the greater Magiſtracys are perpetually wheel'd thro a few hands.*

IF I be worthy to give advice to a man that would ſtudy the Politics, let him underſtand *Venice*; he that underſtands *Venice* right, ſhall go neareſt to judg (notwithſtanding the difference that is in every Policy) right of any Government in the World. Now the aſſault of the Conſiderer deriving but from ſom Pique or Emulation which of us ſhould be the abler Politician, if the Council of State had the curioſity to know either that, or who underſtands *Venice*, this Riddle would make the diſcovery; for he that cannot eaſily unfold this Riddle, dos not underſtand her.

THE ſixth kind of Rotation is when a Commonwealth gos upon it in all her Orders, Senat, People, and Magiſtracy. Such a one taking in the Many, and being fix'd upon the foot of a ſteady Agrarian, has attain'd to perfect Equality. But of this an example there is none, or you muſt accept of *Oceana*.

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THE Rotation of *Oceana* is of two parts, the one of the Electors which is annual, and the other of the Elected which is triennial. Chap. 12.

Rotation of Oceana.

SPEAKING of Electors in this ſenſe, I mean as the great Council in *Venice* are Electors of all other Orders, Councils or Magiſtrats. But the Commonwealth of *Oceana* taking in the whole People, cannot, as dos the Great Council of *Venice* (wherin they that have right are but a few) attain to this capacity at one ſtep: for which cauſe ſhe takes three ſteps; one at the Pariſhes, where every fifth Elder is annually elected by the whole People. There is no doubt but there was ſom ſuch Order in *Iſrael* wherby the monthly Rotation of her Congregation or Prerogative, by election of two thouſand in each Tribe, was preſerv'd. The next ſtep ſhe takes is at the Hundred, where by election of Officers and Magiſtrats, the Troops choſen at the Pariſhes, are very near form'd. Her third ſtep is at the Tribe, where the whole Body of her Deputys are in an exact Form, Diſciplin and Function, headed by proper Officers and Magiſtrats, theſe all together conſiſting of one fifth part of the whole People. This Rotation being in itſelf annual, coms in regard of the body of the People to be quinquennial, or ſuch as in the ſpace of five years give every man his turn in the power of Election.

BUT tho every man be ſo capable of being an Elector, that he muſt have his turn; yet every man is not ſo capable of being elected into thoſe Magiſtracys that are Soverain, or have the leading of the whole Commonwealth, that it can be ſafe to lay a neceſſity that every man muſt take his turn in theſe alſo; but it is enough that every man, who in the Judgment and Conſcience of his Country is fit, may take his turn. Wherfore upon the Conſcience of the Electors, ſo conſtituted as has bin ſhewn, it gos to determin who ſhall partake of Soverain Magiſtracy, or be at the Aſſembly of a Tribe elected into the Senat or Prerogative; which Aſſemblys are ſo triennial, that one third part of each falling every year, and another being elected, the Parlament is therby perpetuated.

SUCH was the Conſtitution of thoſe Councils which the Prevaricator has confeſt he always thought admirable, but now the toy takes him to be quite of another mind; for, ſays he, *That antient Republics have thro a malicious Jealouſy* (let them take it among them) *made it unlawful even for Perſons of the cleareſt merit to continue long in command, but have by perpetual viciſſitude ſubſtituted new men in the Government, is manifeſt enough; but with what ſucceſs they did this, will beſt appear by* VETURIUS, VARRO, *and* MANCINUS. He is ſtill admirable: One would wonder what he means; if it be that there were but three weak or unfortunat Generals in the whole Courſe of *Rome*, how ſtrange is it to urge this as an Argument againſt Rotation, which is as ſtrong a one as can be urg'd for Rotation? If the *Romans* by this way of Election having experience of an able General, knew ever after where to have him; or lighting upon one they found not ſo fit for their purpoſe, could in the compaſs of one year be rid of him of courſe, without diſhonor or reproach to him, taking therby a warning to come no more there; was this a proceeding to favor malice? or ſuch a one as, removing the cauſe of malice, left no root for ſuch a branch or poſſibility of like effect? Certainly by this aſſertion the Prevaricator has jolted his preſumptuous Head not only againſt the prudence of antient Commonwealths, but of God himſelf in that of

Conſid. *p.* 90.

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Book I. *Iſrael.* VETURIUS, VARRO, and MANCINUS (tho ſom of them cannot be at all points excus'd) by this mark upon them, may be thought hardlier of than is needful; for which cauſe there being that alſo in their Storys, which is neither unpleaſant nor unprofitable, I ſhall indeavor to make the Reader ſomwhat better acquainted with them. One of the greateſt blows *Rome* ever receiv'd was by PONTIUS, Captain General of the *Samnits*, who having drawn her Conſuls, POSTHUMIUS and VETURIUS, by Stratagem into the Straits of *Caudium*, a Vally of narrow entrance, and ſhut up the mouth of it by poſſeſſing himſelf of the only paſſage, the reſt being inviron'd with inſuperable Rocks, the *Samnit* came to have both the Armys, and ſo upon the matter the whole ſtrength (in thoſe days) of *Rome* inevitably at his diſcretion. Hereupon, having leiſure, and being deſirous (in a matter of ſuch moment) of good advice, he diſpatch'd a Meſſenger to his Father HERENNIUS, the ableſt Counſillor in *Samnium*, to know what might be his beſt courſe with the *Romans* now inavoidably at his mercy, who anſwer'd, *that he ſhould open the Paſs and let them return untouch'd.* The young General amaz'd at this Counſil, deſir'd farther direction: wherupon HERENNIUS for the ſecond time made anſwer, *that he ſhould cut them off to a man.* But the General, upon the ſtrange diſagreement of ſuch opinions, having his Father's Age (for he was very old) in ſuſpicion, took a third courſe, which *neither* (according to the firſt advice of wiſe HERENNIUS) *making Friends, nor*, according to the ſecond, *deſtroying Enemys*, became as he propheſy'd the utter Ruin of the Commonwealth of *Samnium.* For the *Romans* being diſmiſt ſafe, but ignominiouſly, the Senat upon their return fell into the greateſt ſtrait and conſternation that had bin known among them. On the one ſide, to live and not revenge ſuch an affront was intolerable; on the other, to revenge it was againſt the Faith of the Conſuls, whoſe neceſſity (the loſs of two Armys depending upon it) had in truth forc'd them to accept of a diſhonorable League with the *Samnits.* Now not the Armys, but the Senat it ſelf was in *Caudium*, not a man of them could find the way out of this Vale inviron'd with Rocks, but he only that could not find it out of the other; POSTHUMIUS, who having firſt ſhew'd, that neither War nor Peace could be ſo made, as to ingage the Commonwealth (*injuſſu Populi*) without the Command of the People, declar'd that the Senat returning the Conſuls, with ſuch others as had conſented to ſo wicked and diſhonorable a Peace, naked, and bound to the *Samnits*; were free: nor ceas'd he till the Senat (therto preſt by the neceſſity of the Commonwealth) reſolving accordingly, He, VETURIUS, and ſom of the Tribuns were deliver'd to the *Samnits*; who, nevertheleſs, to hold the *Romans* to their League, diſmiſt them with ſafety. The Diſputes on either ſide that aroſe hereupon, and, coming to Arms, ended with the deſtruction of *Samnium*, I omit. That which as to the preſent occaſion is material, is the Reputation of the Conſuls; and VETURIUS, tho he were not the leading man, being for the reſt as deep in the Action as POSTHUMIUS, the People were ſo far from thinking themſelves deceiv'd in this choice, that the Conſuls were more honour'd in *Rome* for having loſt, than PONTIUS in *Samnium* for having won the day at *Caudium*.

Liv. l. 9.

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I DO not rob Graves, nor ſteal Windingſheets; my Controverſys are not but with the Living, with none of theſe that have not ſhew'd themſelves beſt able for their own defence; nor yet with ſuch, but in the proſecution of Truths oppos'd by them to the damage of Mankind: yet the Prevaricator accuſes me of rude charges. What are his then in defence of Falſhood, and againſt ſuch as cannot bite? or whether of theſe is the more noble? Chap. 12.

FOR VARRO, who being Conſul of *Rome*, loſt the Battel of *Cannæ* to HANNIBAL, Captain General for the *Carthaginians*, tho without Cowardice, yet by Raſhneſs, he is not ſo excuſable.

BUT for MANCINUS, brought (as was POSTHUMIUS by the *Samnits)* to diſhonorable conditions by MEGERA, Captain General of the *Numantins*, there be excuſes: As firſt, the *Numantins*, for their number not exceeding four thouſand fighting men, were the gallanteſt of ſo many, on which the Sun ever ſhone. Florus, *l. 2. c. 18.*

FOURTEEN years had their Commonwealth held tack with the *Romans*, in Courage, Conduct, and Virtue, having worſted POMPEY the Great, and made a League with him, when ſhe might have made an end of him, e'er ever MANCINUS (of whom CICERO gives a fair Character) came in play: So his Misfortunes, having great examples, cannot want ſom excuſe. But ſuppoſe none of them deſerv'd any excuſe, what is it at which theſe examples drive? againſt a Commonwealth? Sure the *Samnits*, the *Carthaginians*, the *Numantins* were as well Commonwealths as the *Romans*; and ſo wherever the advantage gos, it muſt ſtay upon a Commonwealth: or if it be Rotation that he would be at (for we muſt gueſs) granting PONTIUS the *Samnit*, and MEGERA the *Numantin*, to have bin no more upon Rotation, than HANNIBAL the *Carthaginian*; yet it is plain that *Rome* upon her Rotation overcame not only PONTIUS, HANNIBAL and MEGERA, but *Samnium*, *Carthage*, and *Numantia*. So much for *Rome*; but, ſays he, *No leſs appears by the Rabble of Generals often made uſe of by the* Athenians, *while Men of Valor and Conduct have lain by the walls.* Conſid. *p.* 91.

A RABBLE of Generals did I never hear of before; but not to meddle with his Rhetoric, wheras each of his Objections has at leaſt ſom one Contradiction in it, this has two (one *à priori*, another *à poſteriori*) one in the ſnout, another in the tail of it. For had there bin formerly no Rotation in *Athens*, how ſhould there have bin *men of Valor and Conduct to ly by the Walls?* And if Rotation thenceforth ſhould have ceas'd, how could *thoſe men of Valor and Conduct* have don otherwiſe than *ly by the Walls?* So this inavoidably confeſſes, that Rotation was the means wherby *Athens* came to be ſtor'd with Perſons *of Valor and Conduct*, they to be capable of Imployment, and the Commonwealth to imploy the whole Virtue of her Citizens: And it being, in his own words, an *Argument of much imperfection in a Government not to dare to employ the whole Virtue of the Citizens*, this wholly routs a ſtanding General; for the Government that dares imploy but the Virtue of one, dares not imploy the Virtue of all. Yet he jogs one.

THOSE Orders muſt needs be againſt Nature, which excluding Perſons of the beſt Qualifications, give admiſſion to others, who have nothing to commend them but their Art in canvaſſing for the ſuffrage of the People. Conſid. *p.* 91.

He never takes notice that the Ballot bars Canvaſſing beyond all poſſibility

Book I. bility of any ſuch thing; but we will let that go. Canvaſſing, it is confeſt, was more frequent in *Rome* and *Athens* than is laudable, where nevertheleſs it is the ſtronger Argument for the integrity of popular Suffrage, which, being free from any aid of Art, produc'd in thoſe Commonwealths more illuſtrious examples (if a man gos no further than PLUTARCH's Lives) than are to be found in all the reſt of Story.

Conſid. *p.* 91. *YET*, ſays he, *this Law has bin as often broken as a Commonwealth has bin brought into any exigence; for the hazard of truſting Affairs in weak hands then appearing, no ſcruple has been made to trample upon this Order, for giving the Power to ſome able man at that time render'd incapable by the Vacation this Law requires. The continuation of the Conſulſhip of* MARIUS *is ſufficient to be alleg'd for the proof of this, tho' if occaſion were, it might be back'd by plenty of examples.* His choice confutes his pretended variety, who jeſts with edg'd tools: this example above all will cut his fingers; for by this prolongation of Magiſtracy, or, to ſpeak more properly, of Empire (for the Magiſtracy of the Conſul was Civil, and confer'd by the People *Centuriatis Comitiis*, but his Empire was Military, and confer'd *Curiatis) Rome* began to drive thoſe wheels of her Rotation heavily in MARIUS, which were quite taken off in CÆSAR.

I HAVE heretofore in vain perſuaded them upon this occaſion, to take notice of a Chapter in MACHIAVEL, ſo worthy of regard, that I have now inſerted it at length, as follows:

Mach. Diſcor. B 3. c. 24. *THE Procedings of the* Roman *Commonwealth being well conſider'd, two things will be found to have bin the cauſes of her diſſolution. The Contention that happen'd thro the indeavor of the People (always oppos'd or eluded by the Nobility) to introduce an Agrarian, and the damage that accru'd from the prolongation of Empire, which Miſchiefs, had they bin foreſeen in due time, the Government by application of fit Remedys might have bin of longer life and better health. The Diſeaſes which this Commonwealth, from contention about the Agrarian, contracted, were acute and tumultuous; but thoſe being ſlower and without tumult which ſhe got by promulgation of Empire, were Chronical, and went home with her, giving a warning by her example, how dangerous it is to States that would injoy their Liberty, to ſuffer Magiſtracy (how deſervedly ſoever confer'd) to remain long in the poſſeſſion of the ſame Man. Certainly if the reſt of the* Romans, *whoſe Empire happen'd to be prolong'd, had bin as virtuous and provident as* LUCIUS QUINTIUS, *they had never run into this inconvenience. Of ſuch wholſom example was the goodneſs of this man, that the Senat and the People, after one of their ordinary Diſputes being com to ſom accord, wheras the People had prolong'd the Magiſtracy of their preſent Tribuns, in regard they were Perſons more fitly oppos'd to the Ambition of the Nobility, than by a new Election they could readily have found; when hereupon the Senat (to ſhew they needed not be worſe at this game) would have prolong'd the Conſulat to* QUINTIUS, *he refus'd his conſent, ſaying, that ill examples were to be corrected by good ones, and not incourag'd by others like themſelves; nor could they ſtir his Reſolution, by which means they were neceſſiated to make new Conſuls. Had this Wiſdom and Virtue, I ſay, bin duly regarded, or rightly underſtood, it might have ſav'd* Rome, *which thro this neglect came to ruin. The firſt whoſe Empire happen'd to be prolong'd was* PUBLILIUS PHILO, *his Conſulat expiring at the Camp before* Palæpolis, *while it ſeem'd to the Senat that he*

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he had the Victory in his hand (actum cum Tribunis Plebis est, ad Populum ferrent ut cum Philo Consulatu abiisset, Proconsul rem gereret) *they sent him no Successor, but prolong'd his Empire, by which means he came to the first Proconsul. An Expedient (tho introduc'd for the public good) that came in time to be the public bane: For by how much the* Roman *Armys march'd further off, by so much the like course seeming to be the more necessary, became the more customary; whence insu'd two pernicious consequences: The one, that there being fewer Generals, and Men of known Ability for Conduct, the Art with the reputation of the same came to be more ingrost, and obnoxious to Ambition: the other, that a General standing long, got such hold upon his Army, as could take them off from the Senat, and hang them on himself. Thus* MARIUS *and* SYLLA *could be follow'd by the Soldiery to the detriment of the Commonwealth, and* CÆSAR *to her perdition. Wheras had* Rome *never prolong'd Empire, she might perhaps not so soon have arriv'd at Greatness or Acquisition, but would have made less haste to destruction.* Chap. 12. Liv. l. 8.

ALL the *Dilemma* that MACHIAVEL observes in these words, is, that if a Commonwealth will not be so slow in her acquisition as is requir'd by Rotation, she will be less sure than is requisit to her preservation. But the Prevaricator (not vouchsafing to shew us upon what reasons or experience he grounds this Maxim) is positive, *That the Dilemma into which a Commonwealth is in this case brought, is very dangerous; for either she must give her self a mortal blow by gaining the habit of infringing such Orders as are necessary for her preservation, or receive one from without.* Consid. *p.* 92.

THIS same is another *Parakeetism:* these words are spoken by me, after MACHIAVEL, in relation to Dictatorian Power, in which they are so far from concluding against Rotation, that this in case of a Dictator is more especially necessary *(maxima libertatis custodia est, ut magna imperia diuturna non sint, & temporis modus imponatur, quibus juris imponi non potest)* which could not be more confirm'd than by him, who in the example of MARIUS shews that the contrary course spoil'd all. Mamercus apud Liv. l. 4.

THE *Romans*, if they had sent a Successor to PUBLIUS PHILO at *Palæpolis*, it may be might have let the Victory slip out of his hands, it may be not; however this had bin no greater wound to the Commonwealth, than that her Acquisition would have bin slower, which ought not to com in competition with the safety of a Government, and therfore amounts not to a Dilemma, this being a kind of Argument that should not be stub'd of one horn, but have each of equal length and danger. Nor is it so certain that increase is slower for Rotation, seeing neither was this interrupted by that, nor that by this, as the greatest Actions of *Rome*, the Conquest of *Carthage* by SCIPIO AFRICANUS, of *Macedon* by FLAMINIUS, and of ANTIOCHUS by ASIATICUS, are irrefragable Testimonys.

I WOULD be loth to spoil the Considerer's preferment; but he is not a safe Counsillor for a Prince, whose Providence not supplying the defect of Rotation, whether in civil or military affairs, with somthing of like nature, exposes himself if not his Empire as much to danger as a Commonwealth. Thus the Sons of ZERVIAH, JOAB Captain of the Host, and ABISHAI his Brother, were too strong 2 Sam. 3. 39.

for

Book I. for DAVID; thus the Kings of *Iſrael* and of *Juda* fell moſt of them by their Captains or Favorits, as I have elſewhere obſerv'd more particularly. Thus BRUTUS being ſtanding Captain of the Guards, could caſt out TARQUIN; thus SEJANUS had means to attemt againſt TIBERIUS; OTHO to be the Rival of GALBA, CASPERIUS ÆLIANUS of NERVA, CASSIUS of ANTONINUS, PERENNIS of COMMODUS, MAXIMINUS of ALEXANDER, PHILIPPUS of GORDIAN, ÆMILIANUS of GALLUS; INGEBUS LOLLIANUS, AUREOLUS, of GALLIENUS; MAGNESIUS of CONSTANTIUS, MAXIMUS of GRATIAN, ARBOGASTES of VALENTINIAN, RUFFINUS of ARCADIUS, STILICO of HONORIUS. Go from the Weſt into the Eaſt: upon the death of MARCIANUS, ASPARIS alone, having the command of the Arms, could prefer LEO to the Empire; PHOCAS deprive MAURITIUS of the ſame; HERACLIUS depoſe PHOCAS; LEO ISAURIUS do as much to THEODOSIUS ADRAMYTTENUS; NICEPHORUS to IRENE, LEO ARMENIUS to MICHAEL CUROPALATES, ROMANUS LAGAPENUS to CONSTANTIN, NICEPHORUS PHOCAS to ROMANUS PUER, JOHANNES ZISMISCES to NICEPHORUS PHOCAS, ISAAC COMNENUS to MICHAEL STRATIOTICUS, BOTONIATES to MICHAEL the Son of DUCAS, ALEXIUS COMNENUS to BOTONIATES: which work continu'd in ſuch manner till the deſtruction of that Empire. Go from the Eaſt to the North: GUSTAVUS attain'd to the Kingdom of *Sweden*, by his Power and Command of an Army; and thus SECECHUS came near to ſupplant BOLESLAUS the Third of *Poland*. If WALLESTEIN had liv'd, what had becom of his Maſter? In *France* the Race of PHARAMOND was extinguiſh'd by PIPIN; and that of PIPIN in like manner, each by the Major of the Palace, a ſtanding Magiſtracy of exorbitant Truſt. Go to the *Indys*: You ſhall find a King of *Pegu* to have bin thruſt out of the Realm of *Tangu* by his Captain General. Nay go where you will, tho this be pretty well, you ſhall add more than one example. But as to the Prevaricator, if he was not given to make ſuch mouths, as eat up nothing elſe but his own words, I needed not have brought any other Teſtimony to abſolve a Commonwealth of Malice in this order than his own, where he ſays, *That when ſom Perſon overtops the reſt in Commands, it is a Diſeaſe of Monarchy which eaſily admits of this cure, that he be reduc'd to a leſs Volum, and level'd to an equality with the reſt of his Order.* Now a Prince can no otherwiſe level a Nobleman, that excels the reſt thro Command, to equality with his Order, than by cauſing thoſe of the ſame Order to take their turns in like Command. *Good Wits have ill Memorys. But*, ſays he, *I know not what advantage Mr.* HARRINGTON *may foreſee from the Orders of this Rotation, for my part I can diſcover no other effect of it than this, that in a Commonwealth like that of* Oceana, *taking in the Many (for in* Venice *he confeſſes it to be otherwiſe) where every man will preſs forward towards Magiſtracy, this Law by taking off at the end of one year ſom Officers, and all at the end of three, will keep the Republic in a perpetual Minority: No man having time allow'd him to gain that Experience, which may ſerve to lead the Commonwealth to the underſtanding of her true Intereſt either at home or abroad.*

Conſid. *p.* 47, 48.

Conſid. *p.* 93.

WHAT I have confeſt to be otherwiſe in *Venice*, I have ſhewn already at leaſt ſo far as concerns the preſent occaſion, the cauſes of that

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that defect being incompatible with a Commonwealth consisting of the Many; otherwise why was not the like found in *Athens* or *Rome?* where tho every man prest forward towards Magistracy, yet the Magistrats were, for illustrious examples, more in weight and number than are to be found in all the rest of the world. Chap. 12.

IF where Elections were the most expos'd to the Ambition of the Competitor, and the humors of the People, they yet fail'd not to excel all others that were not popular, what greater Vindication can there be of the natural integrity of popular Suffrage even at the worst? But this, where it is given by the Ballot, is at the best, and free from all that pressing for Magistracy in the Competitor, or Faction of the People that can any ways be laid to the former: or let the Considerer consider again, and tell me by what means either of these in such a State can be dangerous or troublesom; or if at worst the Orders for Election in *Oceana* must not perform that part, better than a Croud and a Sherif. Well; but putting the case the Elections which were not quarrel'd much withal be rightly stated, yet this Law for Terms and Vacations, *by taking off at the end of one year som Officers, and all at the end of three, will keep the Republic in perpetual Minority, no man having time allow'd him to gain that Experience, which may serve to lead the Commonwealth to the understanding of her true Interest at home or abroad.* Because every man will press forward for Magistracy, therfore there ought not to be Terms and Vacations, lest these should keep the Commonwealth in perpetual Minority. I would once see an Argument that might be reduc'd to Mode and Figure. The next Objection is, that these Orders *take off at the end of one year some Officers,* which is true, and *that at the end of three years they take off all,* which is false; for wheras the Leaders of the Commonwealth are all triennial, the Orders every year take off no more than such only as have finish'd their three years term, which is not all, but a third part. Wherfore let him speak out; three years is too short a term for acquiring that knowlege which is necessary to the leading of a Commonwealth. To let the courses of *Israel* which were monthly, and the annual Magistracys of *Athens* and *Rome* go; if three years be too short a term for this purpose, what was three months? A Parlament in the late Government was rarely longer liv'd than three months, nor more frequent than once in a year; so that a man having bin twelve years a Parlament-man in *England*, could not have born his Magistracy above three years, tho he were not necessarily subject to any Vacation. Wheras a Parlament in *Oceana* may in twelve years have born his Magistracy six, notwithstanding the necessity of his Vacations. Now which of these two are most straiten'd in the time necessary to the gaining of due experience or knowlege for the leading of a Commonwealth? Nevertheless the Parlament of *England* was seldom or never without men of sufficient Skill and Ability; tho the Orders there were more in number, less in method, not written, and of greater difficulty than they be in *Oceana*. There, if not the Parlament man, the Parlament itself was upon Terms and Vacations, which to a Council of such a nature is the most dangerous thing in the world, seeing Dissolution, whether to a body natural or political, is Death. For if Parlaments happen'd to rise again and again, this was not so much coming to themselves (seeing a Council of so different

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Book I. Genius has not bin known) as a new Birth; and a Council that is every year new born indeed muſt keep a Commonwealth in perpetual Minority, or rather infancy, always in danger of being overlaid by her Nurſe, or ſtrangl'd by her Guardian: wheras an Aſſembly continu'd by Succeſſion, or due Rotation regulated by Terms, giving ſufficient time for digeſtion, grows up, and is like a man, who tho he changes his Fleſh, neither changes his Body nor his Soul. Thus the Senat of *Venice* changing Fleſh, tho not ſo often as in a Commonwealth conſiſting of the Many were requiſit, yet ofteneſt of any other in the world, is, both in Body and Soul, or Genius, the moſt unchangeable Council under Heaven. Fleſh muſt be chang'd, or it will ſtink of it ſelf; there is a Term neceſſary to make a man able to lead the Commonwealth to her Intereſt, and there is a Term that may inable a man to lead the Commonwealth to his Intereſt. In this regard it is, that, according to MAMERCUS, the Vacations are (*maxima libertatis cuſtodia*) the Keepers of the Libertys of *Oceana*.

THE three Regions into which each of the leading Councils is divided, are three Forms, as I may ſay, in the School of State: for them of the third, tho there be care in the choice, it is no ſuch great matter what be their ſkill; the Ballot which they practis'd in the Tribe being that in the performance wherof no man can be out: and this is all that is neceſſary to their Novitiat or firſt year, during which time they may be Auditors. By the ſecond, they will have ſeen all the Scenes, or the whole Rotation of the Orders, ſo facil, and ſo intelligible, that at one reading a man underſtands them as a Book, but at once acting as a Play; and ſo methodical, that he will remember them better. Tell me then what it is that can hinder him for the ſecond year from being a Speaker; or why for the third, ſhould he not be a very able Leader.

THE Senat and the Prerogative, or Repreſentative of the People, being each of like conſtitution, drop annually four hundred, which in a matter of ten years amount to four thouſand experienc'd Leaders, ready upon new Elections to reſume their leading.

ANOTHER thing which I would have conſider'd is, whether our moſt eminent men found their Parts in Parlament, or brought them thither. For if they brought them, think you not the military Orders of the Youth, the Diſciplin of the Tribes, the eight years Orbs of the Embaſſadors, the provincial Armys of *Oceana*, likely to breed men of as good Parts, as to ſuch matters? Nor have Aſtronomers that familiarity with the Stars, which men without theſe Orbs will have with ſuch as are in them. He is very dull, who cannot perceive that in a Government of this frame the Education muſt be univerſal, or diffus'd throout the whole Body. Another thing which is as certain as comfortable, is, that the pretended depth and difficulty in matters of State is a mere cheat. From the beginning of the World to this day, you never found a Commonwealth where the Leaders having honeſty enough, wanted ſkill enough to lead her to her true Intereſt at home or abroad: that which is neceſſary to this end, is not ſo much Skill as Honeſty; and let the Leaders of *Oceana* be diſhoneſt if they can. In the leading of a Commonwealth aright, this is certain, Wiſdom and Honeſty are all one: and tho you ſhall find defects in their Virtue, thoſe that have had the feweſt, have ever bin and for ever ſhall be, the wiſeſt.

ROME

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ROME was never ruin'd, till her Balance being broken, the Nobility forſaking their antient Virtue, abandon'd themſelves to their Luſts; and the Senators, who, as in the caſe of JUGURTHA, were all brib'd, turn'd Knaves; at which Turn all their Skill in Government (and in this never men had bin better ſkill'd) could not keep the Commonwealth from overturning. CICERO, an honeſt man, labor'd might and main; POMPONIUS ATTICUS, another, deſpair'd; CATO tore out his own Bowels; the Poignards of BRUTUS and CASSIUS neither conſider'd Prince nor Father: But the Commonwealth had ſprung her Planks, and ſpilt her Ballaſt; the world could not ſave her. Chap. 12.

FOR the cloſe, the Prevaricator, who had judg'd before, that *there was much reaſon to expect ſom of the Clergy (againſt all of whom Mr.* HARRINGTON *has declar'd War) would undertake the Quarrel,* tells me in the laſt line, that *there be to whom he has recommended the Diſquiſition of the Jewiſh Commonwealth.* Conſid. *p.* 36. *p.* 94.

IT is a miſerable thing to be condemn'd to the perpetual Budget; once turn an honeſt man to me. In the mean time, that it may be further ſeen, how much I am delighted in fair play, ſince ſome Divines, it may be, are already at work with me, and I have not ſo fully explain'd my ſelf upon that Point, which with them is of the greateſt concernment, that they can yet ſay, they have peep'd into my hand, or ſeen my game; as I have won this trick, Gentlemen, or ſpeak, ſo I play them out the laſt Card in the next Book for Up.

An Advertiſment to the Reader, or a Direction contain'd in certain Querys, how the Commonwealth of *Oceana* may be examin'd or anſwer'd by divers ſorts of men, without ſpoiling their high Dance, or cutting off any part of their Elegance, or freeneſs of Expreſſion.

To the Scholar that has paſs'd his Novitiat in Story.

I. *WHETHER the Balance of Property in Land coming thro Civil Viciſſitude by ſlow and undiſcern'd degrees, to alter as it did, and to ſtand as it dos in* Oceana, *any other Government could have bin introduc'd, otherwiſe than by the interpoſition of foren Arms, that could have ſubſiſted naturally without Violence or Reluctancy, or ſteddily without frequent Changes, Alterations, and Plunges, except that only of the Commonwealth propos'd?*

II. *WHETHER the Balance in Land ſo ſtanding, as has bin ſhewn, the Commonwealth propos'd, being once eſtabliſh'd,* were without the immediat hand of God, as by Peſtilence, Famin, or Inundation, to be alter'd or broken; and which way?

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To the Godly Man.

I. *WHETHER Human Prudence be not a Creature of God, and to what end God made this Creature?*

II. *WHETHER the Commonwealth of* Iſrael *in her main Orders, that is to ſay, the Senat, the People, and the Magiſtracy, was not erected by the ſame Rules of human Prudence with other Commonwealths?*

III. *WHETHER* Jethro *were not a Heathen?*

IV. *WHETHER God did not approve of the Advice of* Jethro, *in the Fabric of the Commonwealth of* Iſrael?

V. *WHETHER the natural Body of a Godly Man can any otherwiſe be ſaid to ſupport and nouriſh it ſelf in the Air, or between Heaven and Earth, than by a figurative Speech? or whether it be any more poſſible for the Political Body of a People ſo to do, than for the natural Body of a Godly Man?*

To the Grandee, or Learned Commonwealthſman.

I. *WHETHER a noble Houſekeeper has a Horſekeeper, that is as well to live as himſelf; and whether the Houſekeeper, ſhould he loſe his Eſtate, would not be a Horſekeeper rather than want Bread?*

II. *WHETHER Riches and Poverty, more or leſs, do not introduce Command or Obedience, more or leſs, as well in a public as in a privat Eſtate?*

III. *WHETHER the Introduction of Command or Obedience, more or leſs, either in a public or private Eſtate, dos not form or change the Genius of a Man, or of a People accordingly? Or what is the reaſon why the Peaſant of* France *is baſe, and the lower People in* England *of a high Courage?*

IV. *WHETHER the Genius of the People of* Oceana, *has bin of late years, or be devoted or addicted to the Nobility and Clergy as in former times?*

V. *WHETHER the Genius of the People of* Oceana, *not being addicted to the Nobility and Clergy as fornerly, can be ſaid to be for Monarchy, or againſt it?*

VI. *WHETHER the People be not frequently miſtaken in Names, while as to Things they mean otherwiſe; or whether the People of* Oceana *deſiring Monarchy in Name, do not in Truth deſire a Government of Laws, and not of Men?*

VII. *WHETHER for theſe Reaſons, not to know how to hold the Balance or Foundation of a Government ſteddy, nor yet to reform, or vary the Orders of the ſame (as the Foundation coms to vary) be not to deliver a Nation to certain Ruin and Deſtruction?*

To the Rational Man.

I. *WHETHER there be any thing in this Fabric or Model that is contradictory to itſelf, to Reaſon, or to Truth?*

II. *WHETHER a Commonwealth that is fram'd intire or complete in all her neceſſary Orders, without any manner of contradiction to her ſelf, to Reaſon, or to Truth, can yet be falſe or inſufficient?*

THE

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THE

SECOND BOOK;

OR, A

Political Diſcourſe

CONCERNING

ORDINATION:

Againſt

Dr. *H. HAMMOND*,

Dr. *L. SEAMAN*,

And the Authors they follow.

Optat Aprum aut fulvum deſcendere monte Leonem.

E. W.

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Advertiſment to the READER.

BOOKS, eſpecially whoſe Authors have got themſelves Names, are Leaders; wherfore in caſe any of theſe err in Leading, it is not only lawful, but matter of Conſcience to a man that perceives it, as far as he is able, to warn others. This were Apology enough for my writing againſt Dr. HAMMOND *and Dr.* SEAMAN; *and yet I have happen'd to be brought under a farther Obligation to this enterpriſe, their Books have bin ſent me by way of Objection againſt what I have formerly ſaid of Ordination, and am daily more and more confirm'd I ſhall make good. However, there can be no great hurt in this Eſſay, Truth being, like Veniſon, not only the beſt Quarry, but the beſt Game.*

Order of the Diſcourſe.

TO manage the preſent Controverſy with the more Clearneſs, I have divided my diſcourſe into five Parts or Chapters.

THE Firſt, explaining the words Chirotonia *and* Chirotheſia, *paraphraſtically relates the Story of the Perambulation made by the Apoſtles* PAUL *and* BARNABAS *thro the Citys of* Lycaonia, Piſidia, *&c. by way of Introduction.*

THE Second ſhews thoſe Citys, or moſt of them, at the time of this Perambulation, to have bin under popular Government. In which is contain'd the whole Adminiſtration of a Roman *Province.*

THE Third ſhews the Deduction of the Chirotonia *from Popular Government, and of the Original Right of Ordination from the* Chirotonia. *In which is contain'd the Inſtitution of the* Sanhedrim *or Senat of* Iſrael *by* MOSES, *and of that at* Rome *by* ROMULUS.

THE Fourth ſhews the Deduction of the Chirotheſia *from Monarchical or Ariſtocratical Government, and the ſecond way of Ordination from the* Chirotheſia. *In which is contain'd the Commonwealth of the* Jews *as it ſtood after the Captivity.*

THE Fifth debates whether the Chirotonia, *us'd in the Citys mention'd, was (as is pretended by Dr.* HAMMOND, *Dr.* SEAMAN, *and the Authors they follow) the ſame with the* Chirotheſia, *or a far different thing. In which are contain'd the divers kinds of Church-Government introduc'd and exercis'd in the age of the Apoſtles.*

I AM entring into a Diſcourſe to run much, for the Words, upon a Language not vulgar, which therfore I ſhall uſe no otherwiſe than by way of Parentheſis, not obſtructing the Senſe; and for the Things, upon Cuſtoms that are foren, which therfore I ſhall interpret as well as I can. Now ſo to make my way into the parts of this diſcourſe, that (wheras they who have hitherto manag'd it in *Engliſh*, might in regard of their Readers have near as well written it in *Greec*) I may not be above the vulgar capacity, I ſhall open both the Names wherof, and the Things wherupon we are about to diſpute, by way of Introduction.

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A

Political Diſcourſe

CONCERNING

ORDINATION.

The INTRODUCTION,

OR

Firſt Chapter.

THE Names or Words wherof we are about to diſpute are *Greec*, the one *Chirotonia*, the otehr *Chirotheſia*. The firſt ſignification of the word *Chirotonia*, in SUIDAS, imports a certain leud action of the hand, which ſeems alſo by the *Greec* that renders it by the ſame word, to have bin intimated in *Iſa.* 5. 9. In the ſecond ſignification with SUIDAS, it is ἐκλογὴ, πάντων κύρωσις, *Election* (that is to ſay of Magiſtrats) or *Ratification* (that is to ſay of Laws) *by the Many:* which amounts both by his Teſtimony, and that generally of antient Authors, to this, that the moſt uſual and natural ſignification of the word *Chirotonia* is *Popular Suffrage*, whether given, as when they ſpeak of *Athens*, by the holding up of hands; or as when they ſpeak (as dos SUIDAS in the place mention'd) of *Rome*, and other Commonwealths (whoſe Suffrage was not given with this Ceremony) without holding up of hands.

CHIROTHESIA (ἐπίθεσις χειρῶν) is a word that in the ſtrict ſignification imports *laying on of hands*, and no more: but the *Jews* uſing to confer their Ordination moſt commonly by laying on of hands, and yet ſomtimes by word of mouth, or by letter, the word both as it relates to the cuſtom of the *Jewiſh* Commonwealth, and Ordination thence tranſplanted into the Church of CHRIST, ſignifys Ordination confer'd by one man, or a few men, that is to ſay, by ſom diſtinct Order from the People, whether with impoſition of hands, or without it.

THESE words thus interpreted, I ſhall throout my diſcourſe (which elſe muſt have run altogether upon the *Greec*) preſume, as already I have don, to take for good *Engliſh*, and ſo procede to the things wherof we are to diſpute; firſt, by opening the Scene of this Perambulation, which will be don beſt by the help of ERASMUS, a man as for his Learning not inferior to any, ſo for his freedom not addicted to Intereſts or Partys. For the remainder then of this Introduction, I ſhall begin with the nineteenth Verſe of the eleventh, and continue my diſcourſe to the end of the fourteenth Chapter of the *Acts*; interweaving the Text where it is darker with the Paraphraſe of that excellent Author, for light, and his Paraphraſe with the Text, where it is clearer, for brevity, in manner following.

THEY

Book II.

Acts 11. 19.

THEY whom the heat of Perſecution from the Death of STEPHEN *had diſpers'd, travel'd thro the Citys and Villages as far as* Phenice, *and the adjacent Iland of* Cyprus; *as alſo thro* Antiochia, *which lies between* Phenice *and* Cilicia, *preaching the Goſpel receiv'd from the Apoſtles, which nevertheleſs they dar'd not to communicat but to ſuch only as were of the* Jewiſh *Nation, not out of Envy, but a kind of Superſtition, they believing that to do otherwiſe were to give the Childrens Bread to Dogs, which Chriſt had forbid.*

BUT ſom of them that believ'd, being of Cyprus *and* Cyrene, *when they came to* Antioch, *had the boldneſs to ſpeak of* CHRIST *to the* Greecs, *preaching the Lord* JESUS, *in which they made ſuch progreſs thro the Bleſſing of God upon them and their Labors, that a great number of theſe alſo believing the Goſpel, were turn'd to the Lord. The tidings of theſe things coming to the ears of the Church which was at* Jeruſalem, *a man of Apoſtolical Sincerity,* BARNABAS *the* Levite, *a* Cyprian *born, was ſent by the Apoſtles to take a view of what was don upon the places; and if he found it to be according to the will of God, to approve of it, by authority of the Apoſtles. So great caution in receiving the* Gentils *to the Goſpel was not, that the thing was not greatly deſir'd by the Apoſtles; but leſt it ſhould afterwards be repeal'd or made void by the* Jews, *as don raſhly, or that the* Gentils *ſhould rely leſs upon what was done, as conceiving it needed ratification by the Law. Wherfore* BARNABAS *ſo ſoon as he came to* Antioch, *and found the* Greecs *by Faith, and without profeſſion of the Law, to have receiv'd the ſame Grace of God with the* Jews, *was very much joy'd that the number of Believers increas'd, and exhorted them to remain conſtant in their Enterprize of adhering to the Lord. For he was a good man, and full of the Holy Spirit, and of Faith. Wherfore thro his miniſtry it came to paſs, that a multitude of other Believers were added to the former. Now,* Antioch *being not far from* Cilicia, *the Neighborhood of the place invited him to ſeek* PAUL, *the fitteſt helper in this work, as choſen by* CHRIST *to preach his name to the* Gentils *and Kings of the Earth. For when* PAUL *fled from* Jeruſalem, *the Diſciples had conducted him to* Ceſarea *of* Phenice, *whence he went to* Tarſus; *whom therfore when* BARNABAS *had found there, he brought to* Antioch, *hoping in a City both famous and populous (but with a confus'd mixture of* Jews *and* Greecs*) to receive the better fruit thro the aid of an Apoſtle more peculiarly deſign'd to this work. Theſe two being converſant a whole year in the Church of* Antioch, *which by the confluence both of* Jews *and* Greecs *became very numerous, ſo many were added by their preaching, that wheras hitherto, not expoſing the name of* CHRIST *to envy, they had bin call'd* Diſciples, *they now began firſt at* Antioch *from the name of their Founder to be call'd* Chriſtians. *In theſe times certain Prophets came from the City of* Jeruſalem *to* Antioch, *wherof one nam'd* AGABUS *ſtanding up in the Congregation, ſignify'd by inſpiration, that there ſhould be a great Dearth thro the whole world; which came to paſs under* CLAUDIUS CÆSAR, *the Succeſſor of* CALIGULA. *At this time they at* Jeruſalem, *partly becauſe they were poor at their converſion to the Goſpel, partly becauſe they had depoſited their Goods in common, and partly becauſe they had bin ſpoil'd by the Prieſts for their profeſſion of* CHRIST, *ordain'd that by the contribution of ſuch as had wherwithal, eſpecially among the believing* Gentils, *Mony ſhould be ſent to the relief of the Chriſtians dwelling in* Judea; *but ſo that this Contribution was not to be forc'd but free, and according to every man's ability. This Mony thus gather'd was ſent by* PAUL *and* BARNABAS *to the Elders at*

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Chap. 1.

at Jeruſalem, *to be diſtributed at their diſcretion to ſuch as were in need. While* PAUL *and* BARNABAS *were thus imploy'd, King* HEROD, *the ſame that beheaded* JOHN, *and return'd* CHRIST *cloth'd, thro deriſion, in white, to* PILAT, *being griev'd to ſee this kind of People increaſe, and the Name of* JESUS *King of the* Jews *to grow famous in divers Nations, became concern'd to root out ſuch a Faction, and ſo ſpreading; wherfore he ſtretch'd forth his hand to vex certain of the Church, kill'd* JAMES *the Brother of* JOHN *with the Sword; and becauſe he ſaw it pleas'd the* Jews *proceded further to take* PETER *alſo, who being impriſon'd, was afterward miraculouſly deliver'd. But* PAUL *and* BARNABAS *having perform'd the Truſt committed to them by the Brethren, and deliver'd the Contribution for relief of the Poor to the Apoſtles, return'd from* Jeruſalem *to* Antioch, *taking with them* JOHN, *whoſe Sirname was* MARC.

NOW the Church of Antioch *flouriſh'd in ſuch manner, that ſhe had ſom fill'd with the gift of Prophecy, and others with that of Teaching; among whom was* BARNABAS *and* SIMEON, *alias* NIGER, *together with* LUCIAS *a* Cirenian, *and* MANAEN *who had bin brought up with* HEROD *the Tetrarch, whom he left to com to* CHRIST: *but the chief of them was* SAUL, *indow'd with all the Gifts and Graces Apoſtolical. While all theſe were intent upon the Miniſtry of the Church, imploying their ſeveral Gifts to the Glory of God, and in his moſt acceptable Service, the Salvation of Souls, with faſting and prayer, the Holy Ghoſt being ſtir'd up by their Zeal, ſignified his Will by the Prophets, ſaying, Separat me* BARNABAS *and* PAUL *for the Work wherto I have call'd them, namely, to be Doctors of the* Gentils, *that by them I may propagat the Goſpel. The command of the Spirit was obey'd, and* BARNABAS *with* PAUL, *to the end that every one might ſee who are choſen, were ſeparated from the reſt; and when the Congregation had unanimouſly implor'd the favor of God by prayer and faſting, the moſt eminent in Authority among them laid their hands upon the Perſons ſo ſeparated, and ſent them wherever the Spirit of God ſhould direct them. By this impulſe therfore* BARNABAS *and* PAUL *went to* Seleucia, *being a Promontory of* Antiochia, *and thence ſail'd into the Iland of* Cyprus, *where they landed at* Salamis, *a famous City upon the Eaſtern part of the Iland; they preach'd not human Inventions, but the Word of God, nor that by ſtealth, but in the Synagogs of the* Jews, *wherof thro the Neighbourhood of* Syria *there was ſtore. This Honor by the Commandment of* CHRIST *was always defer'd to the* Jews, *that the Goſpel ſhould be firſt offer'd to them, leſt they being a querulous and repining Nation, ſhould complain that they were deſpis'd. Thus travel'd theſe Apoſtles thro the whole Iland, till they came to* Paphos, *a City conſecrated to* VENUS *upon the Weſtern Coaſt of* Cyprus. *Here they found a certain Magician call'd* BARJESUS, *that is, the Son of* JESUS *a* Jew, *both by Nation and Religion, under which color he falſly pretended to the gift of Propheſy. This man follow'd the Court of* SERGIUS PAULUS, *Proconſul or Governor of the Iland for the* Romans, *otherwiſe a prudent man; but this ſort of Vermin inſinuats it ſelf into the beſt to chuſe, that ſo their Corruption may do the greater and more compendious miſchief to mankind. The Proconſul nevertheleſs having underſtood the Goſpel to be planting throout* Cyprus, *not only forbore to ſtop the ears of others, but by ſending for* BARNABAS *and* PAUL *ſeem'd deſirous to open his own. Wherfore* BARJESUS *indeavoring to reſiſt the growth of the Word, as an Enemy to* CHRIST, *and reſiſting the Truth with Falſhood, a ſtrife aroſe between the true Prophets and a falſe one (for ſuch is the Interpreta-*

Book II. *tion of the* Syriac *word* ELYMAS) *whom* PAUL *at length confuted of ſpiritual blindneſs, by taking away the Eys of his body, miraculouſly ſtruck in the preſence of the Proconſul, who at the ſame time receiving the light of the Goſpel, imbrac'd the Chriſtian Faith. This being don at* Paphos, PAUL *imbark'd there with his Aſſociats for the leſſer* Aſia, *and came to* Perga, *being a City of* Pamphylia; *here* JOHN, *whoſe Sirname was* MARC, *left them, and return'd to* Jeruſalem, *while they, when they had viſited* Pamphylia, *travel'd to* Antiochia, *a City of* Piſidia, *where having enter'd a Synagog, they ſat after the uſual manner with the reſt, attentive to the Law and the Prophets; wherof when the Parts appointed were read, and no man ſtood up, the Rulers of the Synagog perceiving that the Strangers by their habit were* Jews, *and ſuch as by their aſpect promis'd more than ordinary, ſent to them, deſiring that if they had any word of exhortation for the People, they would ſpeak. Wheruſon* PAUL *ſtanding up, preach'd to them* CHRIST; *whence came the Word of the Lord to be divulg'd throout that Region, tho the* Jews *out of envy to the* Gentils, *ſtirring up the devouteſt Matrons* (an Art not unknown in theſe times) *and by them the chief of the City, rais'd ſuch Sedition in it, and Tumult againſt the Apoſtles, that* PAUL *and* BARNABAS *being caſt out, ſhook off the duſt from their feet againſt them, and went thence to* Iconium *a City of* Lyca-

Chap. 14. onia. *When they were com to* Iconium, *entring with the* Jews *after the cuſtom into the Synagog, they preach'd, as they had at* Antioch, *the Goſpel of Jeſus Chriſt, and with ſuch efficacy, that multitudes both of the Jews and* Greecs *believ'd. Here again the Envy of the* Jews *became the Author of Sedition, by which means the City was divided into two Parts or Factions, wherof one ſtood for the unbelieving* Jews, *and the other for the Apoſtles. At length when ſuch of the* Gentils *as were join'd with the* Jews, *and the Rulers of the City, made an aſſault upon the Apoſtles, to offer violence and ſtone them; they being aware of it, fled to* Lyſtra *(a City of* Lycaonia, *which is a part of* Pamphylia) *and* Derbe. *At* Lyſtra *there was a man lame of his feet from the Womb, who having liſten'd to* PAUL *with great Attention and Zeal, was miraculouſly cur'd by the Apoſtle; when the People ſeeing what* PAUL *had don, cry'd out, The Gods were deſcended in the likeneſs of men: a perſuaſion that might gain the more eaſily upon the minds of the* Lycaonians *for the Fable of* JUPITER *and* MERCURY, *ſaid to have deſcended in human ſhape, and bin entertain'd by* LYCAON, *from whom the* Lycaonians *receiv'd their name. Wherfore they call'd* BARNABAS, *for the gravity of his aſpect,* JUPITER; PAUL *for his Eloquence,* MERCURY: *and the Prieſt of* JUPITER, *who dwelt in the Suburbs, brought Bulls and Garlands to the Gates of the Houſe where the Apoſtles were, to have offer'd Sacrifice with the People, which the Apoſtles abhorring, vigorouſly diſſuaded. In the mean time certain* Jews *by Nation that were Unbelievers, coming from* Antioch *of* Piſidia, *and* Iconium, *drew the People to the other extreme, who from ſacrificing to the Apoſtles fell on ſtoning them; a work which was brought ſo near to an end, that* PAUL *being drawn by them out of the City, was left for dead, tho he ſoon after recover'd, and went thence with* BARNABAS *to* Derbe: *when they had propagated the Goſpel there alſo, they return'd to* Lyſtra, Iconium, *and* Antiochia, *confirming the Diſciples whom they had converted. Now becauſe the propagation of the Goſpel requir'd that the Apoſtles ſhould be moving thro divers Nations, they* chirotonizing them Elders in every Congregation or Church, *that is,* ordaining them Elders by the Votes of the People in every City, *left them to perform the Dutys of the abſent Apoſtles,*

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and when they had faſted and pray'd, commended them to the Lord. Theſe things being brought to a concluſion, or finiſh'd at Antioch *in* Piſidia, *when they had perambulated this Country, they alſo viſited* Pamphylia; *ſowing the Goſpel where it was not yet ſown, and confirm.'g thoſe who already believ'd, till they came to* Perga: *where having order'd their affairs, they proceeded to* Attalia, *being a maritim City of* Pamphylia; *and from thence they ſail'd back to* Antioch *of* Syria, *whence they firſt ſet out, with Commiſſion from the Elders, to preach the Goſpel to the* Gentils, *and where by the* Chirotheſia, *or* Impoſition of hands, *Prayer and Faſting, they had bin recommended to the Grace of God, and deſign'd to the Work now finiſh'd.* Chap. 2.

IN this Narrative you have mention both of the *Chirotonia* and of the *Chirotheſia*, or Impoſition of hands, but of the former as of Ordination; for by that ſuch were made Presbyters or Church-Officers as were not ſo before: of the latter not, I think, as of Ordination, at leaſt in the ſenſe we now take it; but as of deſignation of Perſons to an occaſional and temporary imployment, that had bin ordain'd before, for ſo ſure had PAUL at leaſt. However, that which is offer'd by this Narrative to preſent conſideration, is no more than the bare Story.

CHAP. II.

That the Citys, or moſt of them nam'd in the Perambulation of the Apoſtles PAUL *and* BARNABAS, *were at that time under popular Government. In which is contain'd the Adminiſtration of a* Roman *Province.*

THE *Romans* of all Nations under Heaven were indow'd, as with the higheſt Virtues, ſo with the greateſt human Glory; which proceded from this eſpecially, that they were in love with ſuch as were in love with their Liberty. To begin with their dawn, the *Privernates* (a free People inhabiting the City and Parts adjoining, which at this day is call'd *Piperno*, ſom fifty miles from *Rome*, and five from *Seſſe*) being the ſecond time conquer'd by the *Romans*, it was conſulted in the Senat what courſe ſhould be taken with them; where while ſom, according to the different temper of men, ſhew'd themſelves hotter, and others cooler, one of the *Privernates* more mindful of the condition wherin he was born, than of that wherin he was faln, happen'd to render all more doubtful: for being aſk'd by a Senator of the ſeverer judgment, what Puniſhment he thought the *Privernates* might deſerve, *Such* (ſays he) *as they deſerve who believe themſelves worthy of Liberty.* At the courage of which anſwer, the Conſul (perceiving in them that had bin vehement enough before againſt the *Privernates* but the greater animoſity, to the end that by a gentler Interrogatory he might draw ſom ſofter anſwer from him) reply'd, *And what if we inflict no puniſhment at all, but pardon you; what Peace may we expect of you?* Why *if you give us a good one* (ſaid the other) *a ſteady and perpetual Peace, but if an ill one, not long.* At which a certain Senator falling openly upon ruffling and threatning the *Privernat*, as if thoſe words of his tended to ſom practice or intention to ſtir up the Citys in Peace to Sedition, the better part of the Fathers being quite of another mind, declar'd, *That they had heard the voice of a Man, and of a Freeman. For why*, ſaid they, Liv. l. 8. c. 21.

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Book II. *ſhould it be thought that any Man or People will remain longer under ſuch a Burden as they are not able to bear, than till they can throw it down? There a Peace is faithful, where it is voluntary; if you will have Slaves, you are not to truſt them but their Fetters.* To this opinion the Conſul eſpecially inclining, inclin'd others, while he openly profeſt, *That they who had no thought but upon their Liberty, could not but be thought worthy to be* Romans: wherupon the Decree paſt by Authority of the Fathers, which was afterwards propos'd to the Congregation, and ratify'd by the Command of the People, wherby the *Privernates* were made Citizens of *Rome*. Such was the Genius of the *Roman* Commonwealth; where by the way you may alſo obſerve the manner of her Debate and Reſult (*Authoritate Patrum & Juſſu Populi*) by the Advice of the Senat, and the *Chirotonia* of the People.

BUT that which in this place is more particularly offer'd to conſideration, is her uſual way of proceding in caſe of Conqueſt with other Nations: for tho bearing a haughty brow towards ſuch as, not contented to injoy their Liberty at home, would be her Rivals abroad, ſhe dealt far otherwiſe, as with *Carthage*; this caſe excepted, and the pilling and polling of her Provinces, which happen'd thro the Avarice and Luxury of her Nobility, when the Balance of popular Power being broken, her Empire began towards the latter end to languiſh and decline; the way which ſhe took with the *Privernates* was that which ſhe uſually obſerv'd with others throout the courſe of her Victorys, and was after the Change of Government made good at leaſt in ſom part by the *Roman* Emperors, under whom were now thoſe Citys mention'd in the preſent Perambulation of the Apoſtles PAUL and BARNABAS. STRABO for his credit among human Authors is equal to any; he liv'd about the time of this Perambulation, and being a *Greec*, is leſs likely to be partial: Of that therfore which I have affirm'd to have bin the courſe of the *Romans* in their Victorys, I ſhall make choice of this Author for a witneſs; firſt where he epitomizes the Story of
Strab. 1. 9. *Athens* after this manner: *When the* Carians *by Sea, and the* Bœotians *by Land waſted* Attica, CECROPS *the Prince, to bring the People under ſhelter, planted them in twelve Citys*, Cecropia, Tetrapolis, Epacrea, Decelea, Eleuſis, Aphydna, Thoricus, Brauron, Cytherus, Sphettus, Cephiſſia, Phalerus; which THESEUS is ſaid *to have contracted into one call'd* Athens. *The Government of this City had many changes; at firſt it was Monarchical, then Popular: This again was uſurp'd by the Tyrants* PISISTRATUS *and his Sons, whence recover'd, it fell afterwards into the hands of the Few, as when the four hundred once, and again the thirty Tyrants were impos'd by the* Lacedemonians, *in the War of* Peloponneſus: *which Yoke the* Athenians (by means of their faithful Army) *ſhaking off, reſtored their popular Government, and held it till the* Romans *attain'd to the Dominion of* Greece. *Now tho it be true that they were not a little diſturb'd by the Kings of* Macedon, *to whom they were forc'd to yield ſom kind of obedience; they nevertheleſs preſerv'd the form of their Commonwealth ſo intire, that there be who affirm it never to have bin better adminiſtred, than at ſuch time as* Macedon *was govern'd by* CASSANDER: *for this Prince, tho in other things more inclining towards the Tyrant, having taken* Athens *by Surrender, us'd not the People ill, but made* DEMETRIUS PHALEREUS *the Diſciple of* THEOPHRASTUS *the Philoſopher, chief Magiſtrat among them; a man ſo far from ruining their popular State (as in the Commentarys he wrote upon this kind of Government*

vernment is atteſted) that he repair'd it. Nevertheleſs, whether ſuſpected Chap. 2.
or envy'd for his greatneſs without ſupport by the Macedonians, *after the death of* CASSANDER *he fled into* Egypt, *while his Enemys breaking down his Statues (as ſom ſay) made homely Veſſels of them. But the* Romans *having receiv'd the* Athenians *under their popular form, left them their Laws and Libertys untouch'd, till in the war with* MITHRIDATES *they were forc'd to receive ſuch Tyrants as that King was pleas'd to give them; wherof* ARISTON *the greateſt, when the* Romans *had retaken the City from him, being found trampling upon the People, was put to death by* SYLLA, *and the City pardon'd, which to this day* (he wrote about the reign of TIBERIUS) *not only enjoys her Libertys, but is high in honor with the* Romans. This is the Teſtimony of STRABO agreeing with that of CICERO, where diſputing of Divine Providence, he ſays that to *affirm the World to be govern'd by Chance, or without God, is as if one ſhould ſay that* Athens *were not govern'd by the* Areopagits. Nor did the *Romans* by the depoſition of the ſame Author (or indeed of any other) behave themſelves worſe in *Aſia* (the ſcene of our preſent diſcourſe, where the ſame PAUL, of whom we are ſpeaking, being born at *Tarſus*, a City of *Cilicia*, that had acquir'd like or greater Privilege by the ſame bounty, was alſo a Citizen of *Rome*) than in *Greece*. *Aſia* is underſtood in three ſignifications: Firſt, for the third part of the World anſwering to *Europe* and *Africa*. Secondly, for that part of *Aſia* which is now call'd *Natolia*. Thirdly, for that part of it which ATTALUS King of *Pergamum*, dying without Heirs, bequeath'd and left to the People of *Rome*: this contain'd *Myſia*, *Phrygia*, *Æolis*, *Ionia*, *Caria*, *Doris*, *Lydia*, *Lycaonia*, *Piſidia*, and by conſequence the Citys wherof we are ſpeaking. To all theſe Countrys the *Romans* gave their Liberty, till in favor of ARISTONICUS, the Baſtard of EUMENES, many of them taking Arms, they were recover'd, brought into ſubjection, and fram'd into a Province.

WHEN a Conſul had conquer'd a Country, and the *Romans* intended to form it into a Province, it was the cuſtom of the Senat to ſend (*decem Legatos*) ten of their Members, who with the Conſul had power to introduce and eſtabliſh their provincial way of Government. In this manner *Aſia* was form'd by MARCUS AQUILIUS Conſul; afterwards ſo excellently reform'd by SCÆVOLA, that the Senat in their Edicts us'd to propoſe his example to ſucceding Magiſtrats, and the Inhabitants to celebrat a Feaſt to his Name. Nevertheleſs MITHRIDATES King of *Pontus* (all the *Romans* in this province being maſſacred in one day) came to poſſeſs himſelf of it, till it was recover'd at ſeveral times by SYLLA, MURENA, LUCULLUS and POMPEY. The *Romans*, in framing a Country into a Province, were not accuſtom'd to deal with all the Inhabitants of the ſame in a like manner, but differently according to their different merit. Thus divers Citys in this were left free by SYLLA, as thoſe of the *Ilienſes*, the *Chians*, *Rhodians*, *Lycians* and *Magneſians*, with the *Cyzicens*, tho the laſt of theſe afterwards for their practices againſt the *Romans* forfeited their Liberty to TIBERIUS, in whoſe Reign they were for this reaſon depriv'd of the ſame.

TAKING *Aſia* in the firſt ſenſe, that is, for one third part of the World, the next Province of the *Romans* in this Country was *Cilicia*, containing *Pamphylia*, *Iſauria*, and *Cilicia* more peculiarly ſo call'd. Here CICERO was ſomtimes Proconſul, in honor to whom part of *Phrygia*,

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Book II. *Phrygia*, with *Piſidia*, and *Lycaonia*, were taken from the former, and added to this Juriſdiction, by which means the Citys wherof we are ſpeaking came to be of this Province. Adjoining hereto was the Commonwealth of the *Lycians*, which the *Romans* left free: into this alſo the City of *Attalia* by ſom is computed, but *Iconium* both by STRABO and CICERO; the latter wherof being Proconſul, in his Journy from *Laodicea*, was receiv'd by the Magiſtrats and Deputys of this City. *Lyſtra* and *Derbe*, being Citys of *Lycaonia*, muſt alſo have bin of the ſame Province. Next to the Province of *Cilicia* was that of *Syria*, containing *Comagene*, *Seleucis*, *Phœnicia*, *Cæloſyria*, and *Judea* or *Paleſtin*. In *Seleucis* were the four famous Citys, *Seleucia*, *Antiochia*, *Apamea* (the laſt intire in her Liberty) and *Laodicea*. *Comagene* and *Judea* were under Kings, and not fram'd into Provinces, till in the time of the Emperors.

Epiſt.

THE fourth Province of the *Romans* in *Aſia* was that of *Bithynia* with *Pontus:* theſe were all acquir'd or confirm'd by the Victorys of POMPEY the Great. STRABO, who was a *Cappadocian* born at *Amaſia*, relates a ſtory worthy to be remember'd in this place. *From the time*, ſays he, *that the* Romans, *having conquer'd* ANTIOCHUS, *became Moderators of* Aſia, *they contracted Leagues of Amity with divers Nations; where there were Kings, the honor of addreſs was defer'd to them, with whom the Treatys that concern'd their Countrys were concluded. But as concerning the* Cappadocians, *they treated with the whole Nation, for which cauſe the Royal Line of this Realm coming afterwards to fail, the* Romans *gave the People their freedom or leave to live under their own Laws: and when the People hereupon ſending Embaſſadors to* Rome, *renounc'd their Liberty, being that to them which they ſaid was intolerable, and demanded a King; the* Romans *amaz'd there ſhould be men that could ſo far deſpair, permitted them to chuſe, of their Nation, whom they pleas'd; ſo* ARIOBARZANES *was choſen, whoſe Line again in the third Generation coming to fail,* ARCHELAUS *was made King by* ANTONY (where you may obſerve, in paſſing, that the *Romans* impos'd not Monarchical Government, but for that matter us'd to leave a People as they found them) *Thus at the ſame time they left* PONTUS *under King* MITHRIDATES, *who not containing himſelf within his bounds, but extending them afterwards as far as* Colchis *and* Armenia *the Leſs, was reduc'd to his terms by* POMPEY; *who diveſting him of thoſe Countrys which he had uſurp'd, diſtributed ſom part of them to ſuch Princes as had aſſiſted the* Romans *in that War, and divided the reſt into twelve Commonwealths, of which, added to* Bithynia, *he made one Province. When the* Roman *Emperors became Monarchs, they alſo upon like occaſions made other diſtributions, conſtituting Kings, Princes, and Citys, ſom more, ſom leſs, ſom wholly free, and others in ſubjection to themſelves.* Thus came a good, if not the greater part of the Citys in the Leſſer *Aſia*, and the other adjoining Provinces, to be ſom more, ſom leſs free; but the moſt of them to remain Commonwealths, or to be erected into popular Governments, as appears yet clearer by the intercourſe of PLINY, while he was Pretor or Governor of *Bithynia*, with his Maſter the Emperor TRAJAN; a piece of which I have inſerted in the Letters following.

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PLINY *to* TRAJAN.

SIR;

" IT is provided by POMPEY's Laws for the *Bithynians*, that no man under thirty years of Age be capable of Magiſtracy, or of the Senat: by the ſame it is alſo eſtabliſh'd, that they who have born Magiſtracy may be Senators. Now becauſe by a latter Edict of AUGUSTUS, the leſſer Magiſtracys may be born by ſuch as are above one and twenty; there remains with me theſe doubts, whether he that being under thirty, has born Magiſtracy, may be elected by the Cenſors into the Senat; and if he may, whether of thoſe alſo that have not born Magiſtracy, a man being above one and twenty, ſeeing at that Age he may bear Magiſtracy, may not by the ſame interpretation be elected into the Senat, tho he has not born it: which is here practis'd and pretended to be neceſſary, becauſe it is ſomwhat better, they ſay, that the Senat be fill'd with the Children of good Familys, than with the lower ſort. My opinion being aſk'd upon theſe points by the new Cenſors, I thought ſuch as being under thirty have born Magiſtracy, both by POMPEY's Laws, and the Edict of AUGUSTUS, to be capable of the Senat; ſeeing the Edict allows a man under thirty to bear Magiſtracy, and the Law, a man that has born Magiſtracy, to be a Senator. But as to thoſe that have not born Magiſtracy, tho at the age in which they may bear it, I demur till I may underſtand your Majeſty's pleaſure, to whom I have ſent the Heads both of the Law and of the Edict. Plin Epiſt. l. 10.

TRAJAN *to* PLINY.

" YOU and I, deareſt PLINY, are of one mind. POMPEY's Laws are ſo far qualify'd by the Edict of AUGUSTUS, that they who are not under one and twenty may bear Magiſtracy, and they who have born Magiſtracy may be Senators in their reſpective Citys: but for ſuch as have not born Magiſtracy, tho they might have born it, I conceive them not eligible into the Senat till they be thirty years of age.

PLINY *to* TRAJAN.

SIR;

" POWER is granted to the *Bithynian* Citys by POMPEY's Law, to adopt to themſelves what Citizens they pleaſe, ſo they be not Foreners, but of the ſame Province; by the ſame Law it is ſhewn in what caſes the Cenſors may remove a man from the Senat: Among which nevertheleſs it is not provided what is to be don in caſe a foren Citizen be a Senator. Wherfore certain of the Cenſors have thought fit to conſult me, whether they ought to remove a man that is of a foren City for that cauſe out of the Senat. Now becauſe the Law, tho it forbids the adoption of a Forener, commands not that a Forener for that cauſe ſhould be remov'd out of the Senat, and I am inform'd there be foren Citizens almoſt in every Senat; ſo that many, not only Men, but Citys might ſuffer Concuſſion by the reſti-

Book II. " reſtitution of the Law in that part, which thro a kind of conſent " ſeems to be now grown obſolete; I conceive it neceſſary to have " your Majeſty's Reſolution in the caſe, to which end I have ſent a " Breviat of the Law annex'd.

TRAJAN *to* PLINY.

" WITH good cauſe, deareſt PLINY, have you doubted what " anſwer to return to the Cenſors, inquiring whether they " ought to elect a man into the Senat that is of another City, tho of " the ſame Province; ſeeing on the one ſide the Authority of the Law, " and of Cuſtom on the other to the contrary, might well diſorder " you. To innovat nothing for the time paſt, I think well of this " expedient: they who are already elected Senators, tho not accord- " ing to the Law, of what City ſoever they be, may remain for the " preſent; but for the future POMPEY's Laws ſhould return to their " full virtue, which if we ſhould cauſe to look back, might create " trouble.

THIS might ſerve, but there will be no hurt in being a little fuller in the diſcovery of Provincial Government.

THE Provinces ſo fram'd, as has bin ſhewn, were ſubdivided into certain Circuits call'd *Dioceſes*; that of *Aſia* had ſix, *Alabandæ*, *Sardes* (antiently the Senat of CRÆSUS) *Smyrna*, *Epheſus*, *Adramytis*, *Pergamum*. That of *Cilicia* had alſo ſix, the *Pamphylian*, *Iſaurian*, and *Cilician*, the Metropolis wherof was *Tarſus*, a free City; to theſe were taken out of the Province of *Aſia*, *Cibyra*, *Sinnadæ*, *Apamea*: what were the Dioceſes of the other two SIGONIUS, whom I follow, does not ſhew. At theſe in the Winter (for the Summer was ſpent commonly with the Army) the People of the Province aſſembl'd at ſet times, as at our Aſſizes, where the *Roman* Governors did them Juſtice.

THE Governors or Magiſtrats, to whoſe care a Province was committed, were of two kinds: the firſt and chief was Conſul or Pretor, which appellations differ'd not in Power, but in Dignity, that of Conſul being more honorable, who had twelve Lictors, wheras the Pretor had but ſix; if the annual Magiſtracy of either of theſe came to be prorogu'd, he was call'd *Proconſul* or *Propretor*.

THE ſecond kind of Magiſtrat in a province was the Queſtor, Receiver or Treaſurer, who being alſo annual, was attended by Lictors of his own; if he dy'd within his year, the Conſul, Proconſul, or Pretor might appoint one for that time in his place, who was call'd Proqueſtor. The Power of the Conſul, Proconſul, or Pretor, was of two kinds, the one Civil, the other Military; the former call'd Magiſtracy, the latter Empire.

THE Pomp of theſe aſſuming and exerciſing their Magiſtracy was reverend; the Conſul or Proconſul had Legats, ſomtimes more but never under three, appointed him by the Senat: theſe were in the nature of Counſillors to aſſiſt him in all Affairs of his Province; he had Tribuns, Colonels, or Field Officers, for the military part of his Adminiſtration; he had alſo Secretarys, Serjeants, Heralds or Criers, Lictors or Inſignbearers, Interpreters, Meſſengers, Divines, Chamberlains, Phyſicians; and beſides theſe his Companions, which for the moſt

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moſt part were of the younger ſort of Gentlemen or Gallants that ac- Chap. 2.
company'd him for his Ornament, and their own Education. Into this the ſomwhat like Train of the Queſtor (who by the Law was in place of a Son to the Proconſul, and to whom the Proconſul was to give the regard of a Father) being caſt, it made the Pretorian Cohort or Guard always about the Perſon of the Proconſul, who in this Equipage having don his Devotions at the Capitol, departed the City, *Paludatus*, that is in his Royal Mantle of Gold and Purple, follow'd for ſom part of the way with the whole Train of his Friends, wiſhing him much joy and good ſpeed.

IN his Province he executed his twofold Office, the one of Captain General, the other of the ſupreme Magiſtrat. In the former relation he had an army either receiv'd from his Predeceſſor, or new levy'd in the City; this conſiſted in the one half of the Legions (as I have elſewhere ſhewn) and in the other of Aſſociats: for the greatneſs of the ſame, it was proportion'd to the Province, or the occaſion; to an ordinary Province in times of Peace, I believe an Army amounted not to above one Legion with as many Auxiliarys, that is, to a matter of twelve thouſand Foot, and twelve hundred Horſe. The Magiſtracy or Juriſdiction of the Proconſul, or Pretor, was executed at the Metropolitan City of each *Diœcis*, which upon this occaſion was to furniſh the Pretorian Cohort with Lodging, Salt, Wood, Hay, and Stableroom at the charge of the Country. Theſe, tho CICERO would hardly receive any of them, were, towards the latter time of the Commonwealth, extended by the Provincial Magiſtrats to ſo great a burden to the People, that it caus'd divers Laws to be paſs'd in *Rome* (*de repetundis*) for reſtitution to be made to the Provinces, by ſuch as had injur'd them. Upon ſuch Laws was the proſecution of VERRES by CICERO. When and where this kind of Court was to be held, the Conſul, Proconſul, or Pretor, by Proclamation gave timely notice. Being aſſembl'd at the time, and the City appointed, in the Townhall ſtood a Tribunal; upon this the *Sella Curulis*, or a Chair of State, in which ſat the Conſul, Proconſul, or Pretor, with his Pretorian Cohort or Band about him, furniſh'd with all manner of Pomp, and Officers requiſit to the Ornament or Adminiſtration of ſo high a Magiſtracy. The Juriſdiction of this Court was according to the Laws made for the adminiſtration of the Province; but becauſe they could not foreſee all things (as appear'd by the Queſtions which PLINY put upon the Laws of POMPEY, to TRAJAN) it came to paſs, that much was permitted to the Edicts of the Provincial Pretors, as was alſo in uſe at *Rome* with the Pretors of the City: and if any man had judg'd otherwiſe in his Province, than he ought to have don in the City, made an Edict contrary to the Law of his Province, or judg'd any thing otherwiſe than according to his own Edict, he was held guilty of, and queſtionable for a heinous Crime. But what the Law of this or that Province (which differ'd in each) was, would be hard particularly to ſay; only in general it was for the main very much reſembling that of *Sicily*, call'd *Rupilia*.

LEGE Rupilia, or by the Law of RUPILIUS, *a Cauſe between one Citizen and another being of the ſame City, was to be try'd at home by their own Laws. A Cauſe between one Provincial and another being of divers Citys, was to be try'd by Judges whom the Pretor ſhould appoint by lot. What a privat man claim'd of a People, or a People of a privat man,*

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Book II. *was to be refer'd to the Senat of ſom third City. Upon what a Roman claim'd of a Provincial, a Provincial was to be appointed Judg. Upon what a Provincial claim'd of a Roman, a Roman was to be appointed Judg. For deciſion of other Controverſys, ſelect Judges from among the Romans (not out of the Pretorian Cohort, but out of ſuch Romans, or other Citizens free of* Rome, *as were preſent in the ſame Court) were to be given. In criminal Cauſes, as Violence, Peculat, or Treaſon, the Law, and the manner of proceding was the ſame in the Provinces, as in* Rome.

FOR the Tributs, Cuſtoms, Taxes, Levys of Men, Mony, Shipping, ordinary or extraordinary, for the common defence of the *Roman* Republic, and her Provinces, the Conſuls, Proconſuls, or Pretors proceding according to ſuch Decrees of the Senat as were in that caſe ſtanding or renew'd upon emergent occaſions; in gathering theſe lay the Magiſtracy or office of the Queſtor: if the Proconſul were indiſpos'd, or had more buſineſs than he could well turn his hand to, Courts of this nature might be held by one or more of his Legats. With matter of Religion they meddl'd not; every Nation being ſo far left to the liberty of Conſcience, that no violence for this cauſe was offer'd to any man: by which means both *Jews* and Chriſtians, at leaſt till the time of the perſecuting Emperors, had the free exerciſe of their Religion throout the *Roman* Provinces. This the *Jews* lik'd well for themſelves, nor were they troubl'd for the Heathens; but to the Chriſtians they always grudg'd the like privilege. Thus when they could no otherwiſe induce PILAT to put Chriſt to death, they accus'd CHRIST of affecting Monarchy, and ſo affrighted PILAT, being a mean condition'd fellow, while they threaten'd to let TIBERIUS know he was not CÆSAR's Friend, that he comply'd with their ends. But when at *Corinth*, where GALLIO (a man of another temper) was Proconſul of *Achaia*, they would have bin at this ſport again, and with a great deal of Tumult had brought PAUL before the Tribunal, GALLIO took it not well, that they ſhould think he had nothing elſe to do than to judg of *Words, and Names, and Queſtions of their Law*; for he car'd no more for the Diſputes between the Chriſtians and the *Jews*, than for thoſe between the *Epicureans* and the *Stoics*. Wherfore his Lictors drave them from the Tribunal, and the officious *Corinthians*, to ſhew their Love to the Proconſul, fell on knocking them out of the way of other buſineſs.

NOW tho the Commonwealth of the *Achæans*, being at this time a *Roman* Province under the Proconſul GALLIO, injoy'd no longer her common Senat, *Strategus* and *Demiurges*, according to the model ſhewn in the former Book; yet remain'd each particular City under her antient form of Popular Government, ſo that in theſe, eſpecially at *Corinth*, many of the *Greecs* being of the ſame judgment, the *Jews* could not diſpute with the Chriſtians without Tumult. Of this kind was that which happen'd at *Epheſus*, where Chriſtianity growing ſo
Act. 19. faſt, that the Silverſmiths of DIANA's Temple began to fear they ſhould loſe their Trade; the *Jews* liking better of Heatheniſm than Chriſtianity, ſet ALEXANDER, one of their pack, againſt PAUL.

THIS place (in times when men will underſtand no otherwiſe of human ſtory than makes for their ends) is fallen happily unto my hand; ſeeing that which I have ſaid of a *Roman* Province, will be thus no leſs than prov'd out of Scripture. For the Chancellor of *Epheſus* perceiving the *Eccleſia* (ſo it is in the Original) or Aſſembly (as

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(as in our Tranſlation) uncall'd by the Senat, or the Magiſtracy to be tumultuouſly gather'd in the Theater (their uſual place, as in *Syracuſa* and other Citys, of meeting) betakes himſelf to appeaſe the People with divers arguments: among which he has theſe. Firſt, as to matter of Religion, *You have brought hither*, ſays he, *theſe men which are neither robbers of Temples*, (*Churches* our Bible has it before there was any Church to be robb'd) *nor yet blaſphemers of the Goddeſs*: In which words (ſeeing that they offering no ſcandal, but only propagating that which was according to their own judgment, were not obnoxious to Puniſhment) he ſhews that every man had *liberty of Conſcience*. Secondly, as to Law: If DEMETRIUS *and the Craftſmen which are with him have a matter againſt any man, the Law*, ſays he, *is open*. Thirdly, as to the matter of Government, which appears to be of two parts, the one Provincial, the other Domeſtic: For the former, ſays he, there are (ἀνθύπατοι) Proconſuls (he ſpeaks in the plural number with relation to the Legats, by whom the Proconſul ſomtimes held his Courts; otherwiſe this Magiſtrat was but one in a Province, as at this time for *Aſia* PUBLIUS SUILIUS) and to the latter, ſays he, *if you deſire any thing concerning other matters*, that is, ſuch as appertain to the Government of the City (in which the care of the Temple was included) *it ſhall be determin'd in a lawful* Eccleſia, *or Aſſembly of the People*. By which you may ſee that notwithſtanding the Provincial Government, *Epheſus*, tho ſhe was no free City, (for with a free City the Proconſul had nothing of this kind to do) had (ἀυτονομίαν) the Government of her ſelf (as thoſe other Citys mention'd in PLINY's Epiſtles) by the Senat, and the People; for wherever one of theſe is nam'd, as the Senat by PLINY, or the People by LUKE, the other is underſtood. When the Chancellor had thus ſpoken, he diſmiſs'd the *Eccleſia*. It is LUKE's own word, and ſo often as I have now repeated it, ſo often has he us'd it, upon the ſame occaſion. Wherfore I might henceforth expect two things of Divines; firſt, that it might be acknowleg'd that I have good Authors, LUKE and the Chancellor of *Epheſus*, for the word *Eccleſia* in this ſenſe; and ſecondly, that they would not perſuade us, the word *Eccleſia* has loſt its ſignification, leſt they condemn this place of Scripture to be no more underſtood. The manner of Provincial Government being thus prov'd, not only out of profane Authors, but out of Scripture it ſelf; and the Citys that were leaſt free having had ſuch power over themſelves, and their Territorys; why, if the *Romans* took no more of them for this protection, than was paid to their former Lords, did they *not rather undertake the patronage of the World than the Empire*; ſeeing *Venice*, and *Dantzic*, while the one was tributary to the *Turk*, the other to the King of *Poland*, were nevertheleſs ſo free Eſtates, that of a King, or a Commonwealth that ſhould have put the reſt of the world into the like condition, no leſs in our day could have bin ſaid? And yet that the *Romans*, when the nature of the Eaſtern Monarchys ſhall be rightly conſider'd, took far leſs of theſe Citys than their old Maſters, will admit of little doubt. CICERO ſurely would not ly; he, when Proconſul of *Cilicia*, wrote in this manner concerning his Circuit, to his friend SERVILIUS: *Two days I ſtaid at* Laodicea, *at* Apamea *five*, *at* Sinnadæ *three*, *at* Pilomelis *five*, *at* Iconium *ten*; *than which Juriſdiction or Government there is nothing more juſt or equal*. Why then had not thoſe Citys their Senats and their

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Eccleſiæ, or Congregations of the People, as well as that of *Epheſus*, and thoſe wherof PLINY gives an account to TRAJAN?

CORINTH was in *Achaia*; *Perga* of *Pamphylia*, *Antioch* of *Piſidia*, *Iconium*, *Lyſtra*, *Derbe* of *Lycaonia*, were in *Cilicia*; and with theſe, as ſom reckon, *Attalia*. *Epheſus* and the other *Antioch* were in *Syria*. *Achaia*, *Cilicia*, and *Syria*, were *Roman* Provinces at the time of this Perambulation of the Apoſtles: The Citys under Provincial Adminiſtration, whether free or not free, were under Popular Government; whence it follows, that *Corinth*, *Epheſus*, *Antioch* of *Syria*, *Antioch* of *Piſidia*, *Perga*, *Iconium*, *Lyſtra*, *Derbe*, *Attalia*, being at this time under Provincial Adminiſtration, were at the ſame time under Popular Government. There has been no hurt in going about, for the proof of this; tho indeed to ſhew that theſe Citys (had *quandam* αὐτονομίαν) were under Popular Government, we needed have gone no further than the Text, as where the Chancellor of *Epheſus*, to get rid of a tumultuous *Eccleſia* or Aſſembly of the People, promiſes them a lawful one. In *Iconium*, *Lyſtra*, *Derbe*, and the reſt, you hear not of any King (as where HEROD ſtretch'd out his hand to pleaſe the *Jews*, and vex the Church) but of the People, of their Rulers, of their Aſſemblys, and of their Tumults. The People at *Lyſtra* are now agreed to give the Apoſtles divine Honors; and anon, both at *Iconium* and *Lyſtra*, to ſtone them. Now to determin of divine Honor or of Life and Death, are acts of Soverain Power. It is true, theſe nevertheleſs may happen to be uſurp'd by a mere Tumult; but that cannot be ſaid of theſe Congregations, which conſiſted as well of the Magiſtrats and Rulers, as of the People, and where the Magiſtrats ſhew that they had no diſtinct Power wherby to reſtrain the People, nor other means to prevail againſt them, than by making of Partys: Which Paſſages, as they prove theſe Commonwealths on the one ſide to have bin ill conſtituted, evince on the other, that theſe Citys were under Popular Government.

CHAP. III.

The Deduction of the Chirotonia *from Popular Government, and of the Original Right of Ordination from the* Chirotonia. *In which is contain'd the Inſtitution of the Sanhedrim or Senat of* Iſrael *by* MOSES, *and that of* Rome *by* ROMULUS.

DIVINES generally in their way of diſputing have a bias that runs more upon Words than upon Things; ſo that in this place it will be neceſſary to give the Interpretation of ſom other Words, wherof they pretend to take a ſtrong hold in their Controverſys. The chief of theſe has bin ſpoken to already: *Chirotonia* being a word that properly ſignifys *the Suffrage of the People*, wherever it is properly us'd, implys Power; wherfore tho the Senat decrees by Suffrage as well as the People, yet there being no more in a Decree of the Senat than Authority, the Senat is never ſaid to *Chirotonize*, or very ſeldom and improperly, this word being peculiar to the People. And thus much is imply'd in what went before.

THE

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THE next word in Controverſy is *Pſephiſma*, which ſignifies a *Decree* or *Law*; and this always implying Power, always implys the Suffrage of the People, that is, where it is ſpoken of Popular Government: for tho a *Pſephiſma* or Decree of the *Athenian* Senat was a Law for a year before it came to the Suffrage or *Chirotonia* of the People, yet the Law or Conſtitution of SOLON, wherby the Senat had this Power, originally deriv'd from the *Chirotonia* of the People. Chap. 3.

THE third Word (καθιςάναι) ſignifys to *conſtitute* or *ordain*; this in the political Senſe of the ſame implys not *Power*, but *Authority*: for a man that writes or propoſes a Decree or Form of Government, may be ſaid (καθιςάναι) to *propoſe* or *conſtitute* it, whether it be confirm'd by the *Chirotonia* of the People or not; nay with HALICARNASSÆUS the word ſignifys no more than barely to call or aſſemble a Senat, βουλὴν ὑπερ τινὸς καθιςάναι.

NOW if theſe Words be ſomtimes otherwiſe taken, what Words be there in any Language that are not often us'd improperly? But that underſtood politically, they muſt of neceſſity be underſtood as I have ſhewn, or will ſo intangle and diſorder Government, that no man ſhall either make head or foot of it, is that which I make little queſtion to evince in the ſureſt way, that is, by opening the nature of the Things whence they derive, and wherof they are ſpoken by the beſt Authors.

AND becauſe the Words (tho the things they ſignify were much more antient) derive all from *Athens*, I ſhall begin by this Conſtitution to ſhew the proper uſe of them. *Chirotonia* in *Athens*, as has bin ſhewn out of SUIDAS (who ſpeaking of *Rome* refers to this) was Election of Magiſtrats, or enacting Laws by the Suffrage of the People; which, becauſe they gave by holding up their hands, came thence to be call'd *Chirotonia*, which ſignifys *holding up of hands*. The Legiſlative Aſſembly, or Repreſentative of the People, call'd the *Nomothetæ*, upon occaſion of repealing an old Law, and enacting a new one, gave the *Chirotonia* of the People: And yet ſays the *Athenian* Law (διαχειροτονίαν δεῖ ποιεῖν τὺς προέδρυς περὶ τύτων τῶν νόμων) *Let the* Proedri *give or make the* Chirotonia *to either Law*. The *Proedri*, as was ſhewn in the former Book, were the ten Preſidents of the *Prytans*; which *Prytans* upon this occaſion were Preſidents of the *Nomothetæ*. Again, wheras it was the undoubted Right and Practice of the People to elect their Magiſtrats by their *Chirotonia* (κἂν ὑμεῖς ἕνα, κἂν πλείυς, κἂν τὸν δεῖνα, κἂν ὁντινῦν χειροτονήσητε ςρατηγὸν) it is nevertheleſs ſhewn by POLLUX to have bin the peculiar Office of the *Theſmothetæ*, (ςρατηγῦς χειροτονεῖν) to *chirotonize* the Magiſtrats. For as the *Proedri* were Preſidents of the People in their Legiſlative Capacity, ſo were the *Theſmothetæ*, upon occaſion of Elections: thus the *Chirotonia* of the *Proedri* or of the *Theſmothetæ* ſignifys nothing elſe but the *Chirotonia* of the People, by which they had enacted all their Laws, and elected all their Civil or Eccleſiaſtical Magiſtrats or Prieſts, as the *Rex Sacrificus*, and the *Orgeones*, except ſom by the Lot; which Ordination, as is obſerv'd by ARISTOTLE, is equally popular. This whether ignorantly or wilfully unregarded, has bin, as will be ſeen hereafter, the cauſe of great abſurdity; for who ſees not that to put the *Chirotonia*, or Soverain Power of *Athens* upon the *Proedri* or the *Theſmothetæ*, is to make ſuch a thing of that Government as can no wiſe be underſtood?

Demoſt. contra Timocr.

Phil. 1.

L. 8. c. 8.

WHAT

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Book II. WHAT the People had paſt by their *Chirotonia*, was call'd *Pſephiſma*, an Act or Law. And becauſe in the *Nomothetæ* there were always two Laws put together to the Vote, that is to ſay, the old one, and that which was offer'd in the room of it, they that were for the old Law were ſaid (ἀποψηφίζειν) to pronounce in the Negative; and they that were for the new (καταψηφίζειν) to prononce for the Affirmative.

THESE Laws, theſe Propoſitions, or this frame of Government, having bin propos'd firſt by SOLON, and then ratify'd or eſtabliſh'd by the *Chirotonia* of the *Athenian* People; ARISTOTLE ſays of him (τὴν δὲ δημοκρατίαν κατασῆσαι) that he *inſtituted* or *conſtituted* the popular Government; which Conſtitution implys not any Power in SOLON, who abſolutely refus'd to be a King, and therfore the word κατασῆσαι as to him implys no more than Authority. I have ſhew'd you the Words in controverſy, and the things together in the Mint; now whether they that as to *Athens* introduc'd them both, underſtood either, I leave my Reader by comparing them to judg.

IT is true that the Things expreſt by theſe Words have bin in ſom Commonwealths more, in others leſs antient than the *Greec* Language; but this hinders not the *Greecs* to apply the Words to the like Conſtitutions or Things, wherever they find them, as, by following HALICARNASSÆUS, I ſhall exemplify in *Rome*.

Lib. 2. Ὁ ΔΕ Ρώμυλος, ἐπειδὴ ταῦτα διεκόσμησε, βουλευτὰς εὐθὺς ἔγνω κατασήσασθαι. ROMULUS, *when he had diſtributed the People into Tribes and Pariſhes, proceded to ordain the Senat:* in this manner the Tribes were three, and the Pariſhes thirty; out of every Tribe he elected three Senators, and out of every Pariſh three more, all by the Suffrage of the People. Theſe therfore came to ninety nine choſen by the *Chirotonia*; to which he added one more, not choſen by the *Chirotonia*, but by himſelf only: Which Election we may therefore ſay was made by the *Chirotheſia*; for as in this Chapter I am ſhewing that the *Chirotonia* is Election by the Many, ſo in the next I ſhall ſhew that the *Chirotheſia* is Election by One, or by the Few. But to keep to the matter in hand; the Magiſtrat thus choſen by ROMULUS was (*præfectus urbi*) the Protector of the Commonwealth, or he who, when the King was out of the Nation or the City, as upon occaſion of war, had the exerciſe of Royal Power at home. In like manner with the Civil Magiſtracy were the Prieſts created (tho ſom of them not ſo antiently) for the *Pontifex Maximus*, the *Rex Sacrificus*, and the *Flamens*, were all ordain'd by the Suffrage of the People (*Pontifex Tributis, Rex Centuriatis, Flamines Curiatis*) the latter of which, being no more than Pariſh Prieſts, had no other Ordination than by their Pariſhes. All the Laws, and all the Magiſtrats in *Rome*, even the Kings themſelves, were according to the Orders of this Commonwealth to be created by the *Chirotonia* of the People; which nevertheleſs is by APPIAN ſomtimes call'd δεμάρχων χειροτονία, the *Chirotonia* of the Tribuns, whether theſe Magiſtrats were Preſidents of the Aſſemblys of the People, or elected by them. *Sic Romani Hiſtorici non raro loquuntur, Conſulem qui comitia habuerit creaſſe novos Magiſtratus, non aliam ob cauſam niſi quia ſuffragia receperit, & Populum moderatus eſt in eligendo.*

Calv. Inſt. L. 4. cap. 3. §. 15.

WHAT paſt the *Chirotonia* of the People, by the *Greecs* is call'd *Pſephiſma*: μελλούσης δὲ διαλύεσθαι τῆς ἐκκλησίας, ἀνασὰς ὁ Μάρκιος ἔφη. ἃ μὲν ἐψήφισαι τὸ κοινὸν ὑμῶν ἔχει καλῶς· *When the Congregation of the People*

Dion. Hal. l. 8.

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ple was to be diſmiſt, MARCUS *ſtanding up, ſaid, Your* Pſephiſma, *that is your Act, is exceding good,* &c. Chap. 3.

THIS Policy, for the greater part, is that which ROMULUS (as was ſhewn) is ſaid (καταστήσαθαι) to have *inſtituted* or *ordain'd*, tho it be plain that he ordain'd it no otherwiſe than by the *Chirotonia* of the People.

THUS you have another example of the three words in controverſy (*Chirotonia*, καθιστάναι, *Pſephiſma*) ſtill apply'd in the ſame ſenſe, and to the ſame things. Have I not alſo diſcover'd already the original right of Ordination, whether in civil or religious Orders? This will be ſcandalous. How! derive Ordination as it is in the Church of CHRIST, or as it was in the Church of the *Jews*, from the Religion, or rather Superſtition of the Heathens! I meddle not with their Religion, nor yet with their Superſtition, but with their Ordination which was neither, but a part of their Policy. And why is not Ordination in the Church or Commonwealth of CHRIST, as well a political thing as it was in the Churches or Commonwealths of the *Jews*, or of the Heathens? Why is not Election of Officers in the Church as well a political thing, as Election of Officers in the State? and why may not this be as lawfully perform'd by the *Chirotonia* in the one, as in the other?

THAT MOSES introduc'd the *Chirotonia*, is expreſly ſaid by PHILO; tho he oppoſes it to the Ballot, in which I believe he is miſtaken, as not ſeeing that the Ballot including the Suffrage of the People, by that means came as properly under the denomination of the *Chirotonia*, as the Suffrage of the *Roman* People; which tho it were given by the Tablet, is ſo called by *Greec* Authors. All Ordination of Magiſtrats, or of the Senators or Elders of the *Sanhedrim*, of the Judges or Elders of inferior Courts, of the Judg or Suffes of *Iſrael*, of the King, of the Prieſts, of the Levits, whether with the Ballot or *viva voce*, was perform'd by the *Chirotonia* or Suffrage of the People. In this (eſpecially if you admit the Authority of the *Jewiſh* Lawyers, and Divines call'd the Talmudiſts) the Scripture will be clear, but their Names are hard; wherfore not to make any Diſcourſe more rough than I need, I ſhall here ſet them together. The Authors or Writings I uſe, by way of Paraphraſe upon the Scripture, are the *Gemara*, *Babylonia*, *Midbar Rabba*, *Sepher Siphri*, *Sepher Tanchuma*, *Solomon Jarchius*, *Chiskuny*, *Abarbanel*, *Ajin Iſrael*, *Peſiktha Zotertha*. Theſe and many more being for the Election of the *Sanhedrim* by the Ballot, I might have ſpoken them more briefly; for the truth is, in all that is Talmudical I am aſſiſted by SELDEN, GROTIUS, and their Quotations out of the Rabbys, having in this Learning ſo little Skill, that if I miſcall'd none of them, I ſhew'd a good part of my Acquaintance with them. Philo de Inſt. Princ.

NOR am I wedded to GROTIUS or SELDEN, whom ſomtimes I follow, and ſometimes I leave, making uſe of their Learning, but of my own Reaſon. As to the things in this preſent Controverſy, they were no other in *Athens* and *Rome* than they had been in the Commonwealth of *Iſrael*.

WHEN MOSES came to inſtitute the Senat he aſk'd counſil of God. *And the Lord ſaid, Gather to me ſeventy men of the Elders of* Iſrael; *and* MOSES *went out and told the People the words of the Lord:* that is, propos'd the Dictat of the ſupreme Legiſlator to the *Chirotonia* of the Congregation. What elſe can we make of theſe words of MO- Numb. 11. v. 16, 24.

SES

Book II.

Deut. 1. v. 13, 14. 15.

SES to the People? *Take ye wise men, and understanding, and known among your Tribes* (καὶ κατασήσω αὐτους ἐφ' ὑμῶν ἡγουμένους ὑμῶν) *and I will constitute them Rulers over you.* Now how the People could otherwise take or chuse these Rulers or Magistrats thus propos'd, than by their *Chirotonia*, let Divines——shew; or notwithstanding the Constitution of MOSES, both the Senat of *Israel*, and the inferior Courts, were decreed by the *Chirotonia* of the People. For the People upon this Proposition resolv'd in the Affirmative, or *answer'd and said, The thing which thou hast spoken is good for us to do.* This then was the *Psephisma* or Decree of the People of *Israel*, whereupon says MOSES (κατέστησα αὐτοὺς ἡγεῖσθαι) *I constituted or ordain'd them Governors.* In which example you have the three words, or the three things again; nor as to the things, is it, or ever was it, otherwise in any Commonwealth. Whence it is admirable in our Divines, who will have κατέστησα, *constituted*, to be the word of Power; that they do not see by this means they must make two Powers in the same Government; the κατέστησα or Constitution of the *Legislator*, and the *Chirotonia* or Suffrage of the People: or else say that the Commonwealth of *Israel* was instituted by the Power of the Legislator, and the Authority of the People, than which there is nothing more absurd. But the People staid not upon their first *Psephisma*, or Result, that *the thing was good for them to do*, but did accordingly. The manner of their proceding at different times was somewhat different; for it was sometimes *viva voce*, sometimes by the Lot, without the Suffrage; and sometimes by the Ballot, which consisted not of the Lot only, but of the Suffrage. Each of these are equally popular (for neither of them gives an advantage to any Person or Party) but not equally prudent ways of proceding; the Lot committing too much to Fortune, except in som kinds of businesses, as first in the division of Lands, whence the Suffrage was properly excluded: for the Divisions being made by three Deputys out of each Tribe, if there happen'd to fall som advantage or disadvantage to any man by the Lot, it was equal or impartial; wheras if it had fallen by the Suffrage, it must have bin inequal, or partial. Such was the cause why the Lot in the Division of the Land of *Canaan* was us'd without the Suffrage. In case of a Crime committed by an unknown Author, but among many of whom som one or more must have bin guilty, as in the cases of ACHAN and JONATHAN, the Lot was also us'd without the Suffrage, somwhat after the manner of Decimation in an Army, when many that are guilty throw the Dice, and he on whom the Lot falls is punish'd; yet with considerable difference, for wheras Decimation is not us'd but for punishment, where the Persons are as well known as the Guilt; this use of the Lot in *Israel* was for the discovery of the unknown Author of som known Crime, that som one of many being put to the question (who if either by his own confession, or other proof he were found guilty, was punish'd accordingly, otherwise not) Men might have less incouragement that their Crimes would be the more hidden, or less punishable for company, or the shadow of it.

WHEN the People were set upon the introduction of a new Magistracy, and car'd not at all who should be the man, as in the Election of SAUL, at which time the *Philistins* lay hard upon them, and they look'd upon the Ease they hop'd from a King, without coveting the trouble which he was like to have; it seems to me there was a third use of the Lot without the Suffrage. BUT

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BUT that the common uſe of the Lot in *Iſrael* imply'd alſo the Suffrage, and was of the nature of the Ballot at this day in *Venice*, is little to be doubted; or you may ſatisfy your ſelf, when you have conſider'd the manner how the Senat or Sanhedrim was firſt elected (καθισαμένη) or conſtituted by MOSES. Chap. 3.

UPON the *Pſephiſma*, or decree of the Legiſlator and the People, *The thing which thou haſt ſpoken is good for us to do*, they proceded to election of Competitors in this manner. Each of the twelve Tribes (to be hereafter as well locally, as they were yet but genealogically divided) were to make the Election, not excluding the Thirteenth, nor yet nominally taking it in; for LEVI, tho genealogically as diſtinct a Tribe as any of them, yet was not deſign'd locally ſo to be, but to have the right of promiſcuous Inhabiting, Cohabiting, or Marriage with all or any of the reſt, and with right of Suffrage accordingly; for this cauſe the Tribes being Thirteen, are reckon'd but Twelve. So each of the twelve Tribes elected among themſelves by their Suffrages, ſix wiſe men, and underſtanding, and known among them; who being elected, were written; and being written, were deliver'd each in a ſeveral Scrol to MOSES. MOSES having receiv'd all the Scrols had ſeventy two Competitors, which caus'd a Fraction; for the Senat, as is plain by the Text (*gather me ſeventy men, that they may ſtand with thee*) was to conſiſt but of Seventy with MOSES, that is, in all, of ſeventy one. So MOSES having two Competitors more than he needed, caus'd two Urns to be brought, into one of which he caſt the ſeventy two Competitors, or Names written in the Scrols; and into the other ſeventy two Scrols, of which two were blanks, and ſeventy were inſcrib'd with the word *Presbyter*. This being don, the whole Congregation pray'd, and when they had pray'd gave forth their Lots.

THE Lots were given forth after this manner. Firſt a Lot was drawn out of the Urn of the Magiſtracys, then another out of the Urn of the Competitors. The Competitor to whoſe name a Blank was drawn, departed: but he to whoſe name a Prize was drawn, or given forth, became a Magiſtrat.

THEY who had thus gain'd Magiſtracy were συνκαταψηφιζομένοι, by this *Pſephiſma* decreed to be together of the number of the ſeventy Elders. But whereas in the Urn of Magiſtracy there were two Blanks, two that had bin written Competitors muſt of neceſſity have fail'd of Magiſtracy. So ELDAD and MEDAD being *of them that were written* Competitors by the *Tribes*, yet *went not up to the Tabernacle*; that is, attain'd not to be (συνκαταψηφιζομένοι) numbred among the ſeventy, who were to ſit in the Court of the Tabernacle; as afterwards they did in the Pavement, or ſtone-Chamber, in the Court of the Temple. Numb. 11. 26.

IN this place I ſhall mind you but once more of the three Words in controverſy. MOSES the Legiſlator (κατέστησε) conſtituted the People chirotoniz'd; and that which they had chirotoniz'd, was *Pſephiſma*, their Decree.

THERE be in theſe times that are coif'd with ſuch Opinions, that to ſhew Scripture to be Reaſon, is to make it loſe weight with them; and to talk of the *Talmudiſts*, is to profane it: Of theſe I ſhall only deſire to know how they underſtand that place of ELDAD and MEDAD; for if they can no otherwiſe make ſenſe of it than as

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Book II. I have don, it is a ſufficient proof (letting the *Talmudiſts* go) of all that I have ſaid. What therfore has the Hierarchy, and the Preſbytery for their opinion that the Sanhedrim was inſtituted by the *Chirotheſia*, or Impoſition of Hands?

THERE is in the Old Teſtament no mention of laying on of Hands by way of Ordination, or Election, but only by MOSES in the deſignation of JOSHUA for his Succeſſor: and in this MOSES did firſt as ROMULUS afterwards in the Election of the Prefect or Protector of *Rome*, but upon a far greater exigence; for the Commonwealth of *Rome*, when ROMULUS did the like, was ſeated or planted, but the Commonwealth of *Iſrael*, when MOSES did this, was neither ſeated nor planted, nor indeed a Commonwealth, but an Army deſign'd to be a Commonwealth. Now between the Government that is neceſſary to an Army, and that which is neceſſary to a Commonwealth, there is a vaſt difference. The Government even of the Armys of *Rome*, when ſhe was a Commonwealth, was nevertheleſs Monarchical: in this regard MOSES himſelf exercis'd a kind of Dictatorian Power for his life; and the Commonwealth being not yet planted, nor having any Balance wherupon to weigh her ſelf, muſt either have bin left at his death to the care of ſom Man whom he knew beſt able to lay her Foundation, or to extreme hazard. Wherfore this Ordination, which was but accidental, regarding the preſent military condition of the People, MOSES moſt prudently diſtinguiſhes from the other; in that he ſhew'd them how they ſhould manage their Commonwealth, in this he bequeaths them the Man whom he thinks the moſt likely to bring them to be a Commonwealth: of which judgment and undertaking of MOSES, JOSHUA the next illuſtrious Example, moſt worthily acquitted himſelf.

THERE is in theſe Elections another remarkable paſſage, but ſuch a one as, being ſo far from political that it is ſupernatural, dos not properly appertain to this diſcourſe, and ſo I ſhall but point at it. When the Elders, thus choſen, were ſet *round about the Tabernacle, the Lord came down in a cloud, and took of the ſpirit of* MOSES, *and gave it to the ſeventy Elders; and it came to paſs, that when the Spirit reſted upon them, they propheſy'd and did not ceaſe. So* JOSHUA *was full of the Spirit of Wiſdom, for* MOSES *had laid his hands upon him.* And PAUL minds TIMOTHY, *Stir up the Gift of God which is in thee by the laying on of my hands.* But the *Talmudiſts* themſelves do not pretend that their Ordination was further accompany'd with ſupernatural indowments than the firſt Inſtitution; and if Divines were as ingenuous, no leſs might be acknowleg'd of theirs. MOSES *was a Prophet, the like to whom has not bin in* Iſrael; and has there bin an Apoſtle like PAUL in the Chriſtian Church? Every body cannot do Miracles, we ſee they can't. Take heed how you deny Senſe, for then bread may be fleſh. If we be not to make choice of a political Inſtitution without a miraculous teſt or recommendation; either Ordination was at firſt accompany'd with ſupernatural Gifts, and from thenceforth, as I conceive, neither. Divines methinks as ſuch ſhould not be ſo much concern'd in the Ordination of the Sanhedrim, or of JOSHUA, who were Magiſtrats, as the People or the Magiſtrat: yet if theſe ſhould hence infer that their Election, Ordination, or Deſignation of perſons confer'd ſupernatural Gifts, Divines would hardly allow of it; and why are the People, or the Magiſtrat oblig'd to allow

Numb. 11. 24, 25.

Deut. 34. 9.

1 Tim. 1. 6.

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allow more to that of a Clergy? To return. Chap. 3.

SUCH as I have ſhewn was the Ordination of the Senat, or great Sanhedrim, that of the leſſer Sanhedrim, or inferior Courts, was of like nature, for it follows; *I took the chief of your Tribes, wiſe men and known* (καὶ κατέστησα) *and made them Heads over you, Captains of thouſands, and Captains of hundreds*, &c. which were other Magiſtrats than according to our cuſtom, we ſhould readily expect to be intimated by ſuch words, for they were the Judges of the inferior Courts, thoſe that *ſat in the gates of each City*, and others that appertain'd to the Villages, as in the next Verſe: *And I charg'd your Judges at that time, ſaying, Hear the Cauſes, and judg righteouſly.* Deut. 1. 15. Ver. 16.

THE next Magiſtrat whoſe Election coms to be conſider'd is the Dictator, or Judg of *Iſrael*. Where it is ſaid of this People, that the *Lord rais'd them up Judges, which deliver'd them out of the hands of thoſe that ſpoil'd them*, it is to be underſtood, ſays SIGONIUS, that God put it into the mind of the People to elect ſuch Magiſtrats, or Captains over them. For example, when the Children of *Ammon* made war againſt *Iſrael*, God rais'd up JEPHTHA, whoſe Election was after this manner: *The Elders went to fetch* JEPHTHA, *out of the Land of* Tob, *and when they had brought him to* Mizpeh (which in thoſe days was the place, where ἐκκλησία Θεοῦ, the Congregation of *Iſrael* uſually aſſembled) *the People made him Head and Captain over them.* Now that the Election of the King was as much in the *Chirotonia* of the People, as that of the Judg, is paſt all Controverſy, ſeeing the Law ſpeaking of the People ſays thus: *One from among thy Brethren ſhalt thou ſet King over thee*; and accordingly when the Government was chang'd to Monarchy, it was not SAMUEL, but the People that would have it ſo; thus SAUL was choſen King by the Lot. Where the contradiction of GROTIUS is remarkable, who in this place to ſhew that the Lot is of Popular Inſtitution, quotes ARISTOTLE; and yet when he coms to ſpeak of the Lots that were caſt at the Election of MATTHIAS, ſays it was *that it might appear not whom the Multitude, but whom God had ordain'd*; as if the Magiſtrat lawfully elected by the People, were not elected by God, or that the Lot which thus *falls into the Lap were not at the diſpoſing of the Lord.* But if the League by which the People receiv'd DAVID into the Throne, or the Votes by which firſt the People of *Jeruſalem*, and afterwards the Congregation of *Iſrael* (as was ſhewn in the former Book) made SOLOMON King, were of the Lord; then Election by the People was of the Lord and the Magiſtrat that was elected by the *Chirotonia* of the People, was elected by the *Chirotonia* of God: for as the Congregation of *Iſrael* is call'd in Scripture (ἐκκλησία Θεοῦ) the *Eccleſia* or Congregation of God; ſo the *Chirotonia* of this Congregation is call'd by JOSEPHUS (Θεοῦ χειροτονία) the *Chirotonia* of God, who, as I noted before out of CAPELLUS, was in this Commonwealth Political King, or Civil Legiſlator *(ſans comparaiſon)* as SOLON in *Athens*, and ROMULUS in *Rome*; that is to propoſe to the People (*Hæc eſt lex quam* MOSES *propoſuit*) and whatever was propos'd, by God, or the lawful Magiſtrat under him, and chirotoniz'd or voted by the People, was Law in *Iſrael*, and no other. Nay, and the People had not only power to reject any Law that was thus propos'd, but to repeal any Law that was thus enacted: for if God intending Popular Government ſhould have ordain'd it otherwiſe, he muſt have contradicted

Deut. 1. 15.
Judg. 2. 16.
De Rep. Heb.
Judges 11.
Deut. 17. 15.
Ariſt. Pol. B. 6. c. 2.
De Imp. S.P. c. 10.
Judges 20.
Joſ. l. 4.

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Book II. himſelf; wherfore he plainly acknowleges to them this power, where (Θεὸν ἀποχειροτονῆσι τῆς βασιλείας) *they rejected him* (whom they had formerly chirotoniz'd or choſen King) *that he ſhould not reign over them*; and elected SAUL. This if God had withſtood by his Power, he muſt have introduc'd that kind of Monarchy which he had declar'd againſt; wherfore he choſe rather to abandon this ſottiſh and ingrateful People to the moſt inextricable yoke of deſerv'd ſlavery, telling them, when he had warn'd them and they would not hear him, that they *ſhould cry to him and he would not hear them*, one tittle of whoſe words paſſed not unfulfill'd.

Joſephus, l.6. c. 5.

BY this time I have ſhewn that all the Civil Magiſtrats in *Iſrael* were choſen by the *Chirotonia* of the People, or, to follow JOSEPHUS, by the *Chirotonia* of God, which is all one; for the *Chirotonia* of the Preſident of the Congregation, as I have inſtanc'd in that of the *Proedri*, of the *Theſmothetæ*, of the Conſuls, of the Tribuns, and the *Chirotonia* of the Congregation is the ſame thing; and of the Congregation of *Iſrael* God, except only at the voting of a King, was Preſident.

TO com then from the Civil Magiſtrats to the Prieſts and Levits, theſe were choſen in two ways, either by the Lot, or by the *Chirotonia*.

THE office and dignity of the High Prieſt being the greateſt in *Iſrael*, and by the inſtitution to be hereditary, caus'd great diſputes in the Election: to this MOSES by the command of God had deſign'd AARON his Brother; which Deſignation, the Command of God being at firſt either not ſo obvious as that relation, or the ambition of others ſo blind that they could not or would not ſee it, caus'd great combuſtion. Firſt, thro the conſpiracy of KORAH, DATHAN, and ABIRAM; and next by the murmuring of the Princes of the Tribes, all emulous of this Honor. KORAH being not only a great man, but of the Tribe of *Levi*, could not ſee why he was not as worthy of the Prieſthood, conſideration had of his Tribe, as AARON; and if any other Tribe might pretend to it, DATHAN and ABIRAM being deſcended from REUBEN were not only of the elder Houſe, but troubl'd to ſee a younger prefer'd before them. Wherfore theſe having gain'd to their Party three hundred of the moſt powerful men of the Congregation, accus'd MOSES of affecting Tyranny, and doing thoſe things which threaten'd the Liberty of the Commonwealth; as under pretence of Divination to blind the Eyes of the People, preferring his Brother to the Prieſthood without the Suffrage of the Congregation: of which charge MOSES acquitting himſelf in the Congregation, tells the People that AARON *was choſen both by God, and* (κατὰ τὴν ὑμετεραν γνώμην αυτῷ τυγχάνων) *by their Suffrages*, which (KORAH being upon this occaſion miraculouſly deſtroy'd) were therupon once more given by the People. Nevertheleſs the Princes of the Tribes continuing ſtill diſcontented, and full of murmur, God decided the Controverſy by a ſecond miracle, the *budding of* AARON's *Rod:* (and ſo ᾗ ὁ μεν τρὶς αὐτὸν τῷ Θεῷ χειροτονήσατος βεβαίως ἔιχε τὴν τιμὴν) *being thrice confirm'd by the* Chirotonia *of God, he was confirm'd in that honor.* Now that the *Chirotonia* of God in this place of JOSEPHUS ſignifys the *Chirotonia* of the People, is plain by that in Scripture, where they made SOLOMON King, and ZADOC to be Prieſt. After the Captivity, as

Numb. 16. Joſephus l. 4.

1 Chron. 29. 22.

in

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in other things, ſo in this power the Sanhedrim came, as I conceive, to overreach the People: JOSHUA the Son of JOSEDECH being thus elected high Prieſt by the Sanhedrim, and this Honor thenceforth (as appears by MAIMONIDES) being at the diſpoſing of this Court. Nor cou'd any inferior Prieſt ſerve at the Altar, except he had acquir'd that right by the Lot, as is not only deliver'd by the ſame Author and by JOSEPHUS, but in Scripture. Now the Lot, as was ſhewn, giving no Prerogative either to any perſon or party, is as popular an Inſtitution as the *Chirotonia*. So in election of Prieſts, the Orders of *Iſrael* differ'd not from human Prudence, nor thoſe of other Commonwealths, the Prieſts of JUPITER having bin elected after the ſame manner in the Commonwealth of *Syracuſa*; the *Auguſtales*, and the *Veſtals* in that of *Rome:* and if the right of bearing holy Magiſtracy, being in *Iſrael* confin'd to one Tribe or Order, may ſeem to make any difference, it was for ſome time no otherwiſe in *Athens*, nor in *Rome*, where the Patricians or Nobility aſſum'd theſe Offices, or the greateſt of them to themſelves, till the People in thoſe Citys diſputed that Cuſtom, as introduc'd without their conſent, which the People of *Iſrael* could not fairly do, becauſe it was introduc'd by their conſent.

Chap. 3.

Grot. ad Hag. 1. 1. Joſeph. de Bel. Jud. l. 4. Maimon. Hal. Cele Hamikdaſch, cap. 4. & 5. 2 Chron. 24. 5. & 25. 8. & 26. 13.

TO com to the *Levits* in their original Ordination, God commanded MOSES ſaying, *Thou ſhalt bring the Levits before the Tabernacle of the Congregation, and thou ſhalt gather the whole aſſembly of the Children of* Iſrael, *and they ſhall put their hands upon the Levits.* This in the ſound of the words may ſeem to imply the *Chirotheſia*, or Impoſition of Hands, but take heed of that; Divines will not allow the *Chirotheſia* to be an Act of the People: but in this proceding the whole people acted in the Ordination of the *Levits*, wherfore the *Levits* alſo were ordain'd by the *Chirotonia*, Conſent, Vote, or Suffrage of the whole People imply'd in this action. But for the Ordination of Prieſts and Levits, whatever it was, it is not to the preſent purpoſe; Divines deriving not theirs from Prieſts and Levits, but from Dukes, Generals and Magiſtrats, from that of JOSHUA and of the Sanhedrim, always provided, that this were of the ſame nature with the former, that is, by the *Chirotheſia*, or Impoſition of Hands, and not by the *Chirotonia* of the People. However the Ordination of the Magiſtracy was certainly Political; and ſo in this deduction they themſelves confeſs that their Ordination alſo is a Political Conſtitution: yet wheras MOSES is commanded by God to bring AARON and his Sons to the *door of the Tabernacle of the Congregation*, and having waſh'd them there, to adorn them with the Prieſtly Robes, with the Miter, and to anoint them; wheras he is commanded (the Children of *Iſrael* having firſt *laid their hands upon the Levits*) to cleanſe them, and offer them for an Offering: Divines of the Hierarchy and the Preſbytery (tho it be otherwiſe with WALLÆUS and ſuch as acknowlege Popular Government) give the Congregation, or Conſent of the People for nothing, and put the whole Ordination of the Prieſts and Levits upon the waſhing and cleanſing, or other Ceremonys of Conſecration: as if to put the Ordination of SAUL upon the Ceremony of anointing by SAMUEL, tho perform'd by the immediat Command of God, were not abſolutely contradictory to Scripture, and to the known Law of *Iſrael*, which ſpeaking of the People, expreſly ſays, *One from among thy Brethren ſhalt thou ſet King over thee*;

Numb. 8. 9, 10.

Exod. 29.

Numb. 8.

upon

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Book II. upon which place ſays PHILO, *Moſt wiſe* MOSES *never intended that the Royal Dignity ſhould be acquir'd by Lot, but choſe rather that the King ſhould be elected by the* Chirotonia, *or ſuffrage of the whole People. The Congregations of the People aſſembled upon this as upon other public affairs, and requir'd a ſign or confirmation from God: foraſmuch as by his will Man is to the reſt of Nature, what the Face is to the Body.* Wherto agrees that of the Heathens, *Os homini ſublime dedit, Cælumque tueri juſſit*, and their Divinations upon the like occaſions by Intrals, none of which were ever underſtood as deſtructive of the liberty of the People, or of the freedom of their *Chirotonia*.

Philo de inſt. principiis.

WHERE SOLOMON is made King, and ZADOC Prieſt by the People, tho the Ceremony of anointing was doubtleſs perform'd, and perhaps by the Prophet NATHAN, it is wholly omitted in the place as not worth the ſpeaking of. The opinion that the Ordination of the Prieſts and Levits lay in the Ceremonys of their Conſecration, is every whit as ſober and agreeable to reaſon, as if a Man ſhould hold the Kings of *England* to have bin made by the Unction of the Biſhops. *Iſrael* from the Inſtitution of MOSES to the Monarchy, was a Democracy, or Popular Government; in Popular Government the Conſent of the People is the Power of the People, and both the Prieſts and Levits were ordain'd by the Conſent of the People of *Iſrael*.

TO bring theſe things to the Citys in the perambulation of the Apoſtles, which by the former Chapter I have prov'd to have bin Popular Governments; it is acknowleg'd by GROTIUS to the Citys of *Aſia*, not only that they us'd the *Chirotonia*, but in the ſtricteſt ſenſe of the word, that is, to give their Suffrage by the holding up of Hands. And that they had the liberty of their Religion, the choice of their Magiſtrats, both Civil and Eccleſiaſtical in their *Eccleſiæ*, or Congregations, has bin alſo undeniably evidenc'd; whence it muſt needs follow that there were Citys in *Aſia* (χειροτονήσαντες αὐτοῖς πρεσβυτέρους κατ' ἐκκλησίαν) *chirotonizing or ordaining them Elders*, that is, Magiſtrats and Prieſts in every Congregation (with Reverence be it ſpoken) long before CHRIST was in the fleſh, or the Apoſtles any of them were born. Wherfore to ſum up what in this Chapter I conceive to be ſufficiently prov'd, I may boldly conclude, *That the* Chirotonia *derives from popular Conſtitution, and that there was a way of Ordination by the* Chirotonia.

Ditm. c. 10.

CHAP. IV.

The deduction of the Chirotheſia *from Monarchical or Ariſtocratical Government, and of the ſecond way of Ordination from the* Chirotheſia. *In which is contain'd the Commonwealth of the* Jews *as it ſtood after the Captivity.*

WHAT *pleaſes the Prince*, ſays JUSTINIAN, *has the force of a Law, ſeeing the People in his Creation have devolv'd their wholc Power upon his Perſon*; which is with the moſt. But when Popular Government is chang'd into Monarchical, either the whole Power of the People, or a great part of it muſt of neceſſity accrue to the King. Hence

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Hence ſays SAMUEL, *he will appoint him Captains over Thouſands, and Captains over Fiftys:* in which words perhaps is intimated the Judges of the inferior Courts, or *Jethronian* Prefectures; ſo that hereby SAMUEL tells the People they ſhall no more have the Election of their Rulers, but the King will have it; who, it may be, chang'd the nature of ſom of theſe Magiſtracys, or added others: for when DAVID came to *reign over all* Iſrael, JOAB *was over the Hoſt* (his Strategus or General) JEHOSHAPHAT *was Recorder*, ZADOK *and* ABIMELEC *were the Prieſts*, SERAIAH *was the Scribe, and* BENAIAH *was over the* Pelethits, *and the* Cherethits; that is, was Captain of his Regiments of Guard, call'd perhaps by theſe names, as thoſe of ROMULUS were call'd *Celeres*. But it ſhould ſeem that few or none of theſe Officers were elected by the *Chirotonia*, that is by the People, but by the Prince, which kind of Election, as will be ſhewn anon, may be call'd *Chirotheſia*. For the deduction of this kind of Ordination, or Election, we ſhall do well to hearken firſt to Dr. HAMMOND; who in his Query, or Diſcourſe concerning Ordination by the Impoſition of Hands, puts it thus. *To lift up the Hands was a Ceremony in Prayer, and accordingly to lay hands on any (differing no otherwiſe from lifting up, than by the determining that Action to a peculiar Object, the Perſon that was pray'd for) was generally among the* Jews *a Ceremony of benediction us'd firſt by the Father to the Children, in beſtowing the Bleſſing upon them (and with that a ſucceſſion to ſom part of his Eſtate or Inheritance) as appears in* JACOB's *bleſſing the Children of* JOSEPH: he ſtretch'd out his right hand, and laid it upon EPHRAIM's head, and his left hand on MANASSES, and ſo he bleſs'd, *&c. From thence it was accommodated among them to the communicating of any part of Power to others as aſſiſtants, or to the deriving of any ſucceſſive Office from one to another. Thus when* MOSES *had from Heaven receiv'd, and long us'd his Commiſſion to be under God the Ruler of the People, the ſeventy Elders were by God's appointment aſſum'd to aſſiſt him: it being certain from the* Jewiſh *Writings, tho the ſacred Scripture has no occaſion to mention it, that the ſucceſſion of the ſeventy Elders under the name of* Sanhedrim *or* Council *was continu'd thro all Ages by their creating others in the place of thoſe that dy'd, by this Ceremony of Impoſition of Hands. To this purpoſe are the clear words of* MAIMONIDES: MOSES our Maſter created the ſeventy Elders by Impoſition of Hands, and the Divine Majeſty reſted on them; and thoſe Elders impos'd Hands on others, and others on others, *&c. So a little before the departure of* MOSES *out of this life, when a Succeſſor was to be provided for him, God commands him* to take JOSHUA, and lay his hands upon him. And MOSES laid his hands upon him, and gave him a Charge as the Lord commanded by the hand of MOSES: *that is, deriv'd to him by this Ceremony the Authority which himſelf had, and conſtituted him his Succeſſor in that Government. And ſo it is repeated,* JOSHUA was full of the ſpirit of Wiſdom, for MOSES had laid his hands upon him.

Chap. 4. 1 Sam. 8. 12. 2 Sam. 8. 15. §. 10. Exod. 17. 11. Gen. 48. 14. Numb. 11. 17. Tit. Sanhed. c. 4. Numb. 27. 18, 23. Deut. 34. 9.

THIS is the Doctor's deduction of the *Chirotheſia*, or Ordination by the laying on of Hands, from the Commonwealth of *Iſrael: and*, ſays he, *from the three Uſes of this Ceremony there, that is, firſt in praying for another; ſecondly, in paternal benediction; thirdly, in creating Succeſſors in power, either in whole, or in part, derive three ſorts of things in the New Teſtament, to which this Ceremony of laying on of Hands is accom-*

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accommodated. That of Prayer ſimply taken was of two ſorts, either for the cure of Diſeaſes, or pardoning of Sins. For Diſeaſes: They ſhall
Mar. 16. 18. lay hands on the ſick, and they ſhall recover. *For Sins they were don away alſo by this Ceremony in the abſolution of Penitents, to which belongs*
1 Tim. 5. 22. *that Exhortation of* PAUL *to* TIMOTHY, Lay hands ſuddenly on no man, *that is, not without due examination and proof of his Penitence,* leſt thou be partaker of other men's Sins. *From the ſecond, that of Paternal Benediction, was borrow'd, firſt that of bleſſing Infants with the*
Mar. 10. 16. *Ceremony of Impoſition of Hands, as it differ'd from Baptiſm. And ſecondly, that of confirming thoſe of fuller age, that had bin formerly baptiz'd. Laſtly, to the creating Succeſſors in any Power, or communicating any part of Power to others, as to Aſſiſtants, is anſwerable that Impoſition of*
Acts 6. 6. *Hands in Ordination ſo often mention'd in the New Teſtament, ſomtimes in the lower degree, as in the ordaining of Deacons, elſewhere in the higheſt degree, ſetting Governors over particular Churches, as generally when by that laying on of Hands it is ſaid,* they receiv'd the Holy Ghoſt; *wheras the Holy Ghoſt contains all the* χαρίσματα *requir'd to the paſtoral*
Luke 24. 49. *Function, and ſo ſignifys Power from on high: the Authority and Function itſelf, ſo it be given by Impoſition of Hands, makes the parallel exact between this of Chriſtian Ordination, and that obſerv'd in the creating Succeſſors in the* Jewiſh *Sanhedrim.* So far the Doctor.

NOW ſay I, if the Scripture be ſilent as to the Ordination of the
Deut. 1. Elders in *Iſrael*, what means that place; *Take ye wiſe men, and underſtanding, and known among your Tribes, and I will make them Rulers over you?* Once in their lives let them give us the ſenſe of it, or of that other, where ELDAD and MEDAD *were of thoſe that were written, and*
Numb. 11. *yet went not up to the Tabernacle:* Otherwiſe that we hear no more of theſe, is from the ſilence of Divines, and not of the Scripture. But if the Scripture be not ſilent in this point, is there not a great deal of fancy in going on to *cure the Sick, to pardon Sins, to bleſs Infants, confirm the Baptiz'd, ordain Miniſters, nay, give the Holy Ghoſt, and all the Graces belonging to the paſtoral Function,* from a place that has no ſuch thing in it? for if the Sanhedrim according to Scripture were not ordain'd by the *Chirotheſia*, there is no ſuch thing to be deriv'd by the *Chirotheſia* from the Sanhedrim. The firſt *Chirotonia* indeed of the Sanhedrim was accompany'd with miraculous indowments; wherfore if they will derive theſe Gifts and Graces from the Sanhedrim, why are they ſworn Enemies to the *Chirotonia?* Again, the Sanhedrim was a Civil Court or Senat; wherfore then by this Title ſhould not theſe Gifts and Graces be rather pretended to by the Civil Magiſtrat, than by Divines? What becoms of the Prieſt AARON and his Lots? is he left to the Civil Magiſtrat, while Divines derive themſelves from General JOSHUA and his *Chirotheſia?* But if the Sanhedrim and inferior Judicatorys were otherwiſe ordain'd originally; then no Magiſtrat in *Iſrael* was originally ordain'd by the *Chirotheſia*, but only JOSHUA. It is admirable that Divines ſhould look upon God, as if in the inſtitution of a Commonwealth he had no regard at all to human Prudence, but was altogether fix'd upon their vain advantages. Who made human Prudence? or to what end was it made? Any man that underſtands the Politics, and conſiders that God was now proceding according to this Art (as in his conſtitution of the Senat, and of the People or Congregation, is moſt obvious) muſt needs ſee that this Power he indulg'd to MOSES of making his own choice of one

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man; could not poſſibly be intended as a permanent Conſtitution; for wheras he intended Popular Government, nothing is plainer than that a People not electing their own Magiſtrats can have no Popular Government. How abſurd is it to conceive that God having already made an expreſs Law, that the People if at any time they came under Monarchy, ſhould yet have the election of their King, would now make a Law that the People being under a Commonwealth, ſhould no longer have the election of their Magiſtrats? For who ſees not that to introduce the *Chirotheſia* as a ſtanding Ordinance, had bin to bar the People of this power? *Iſrael* at this time, tho deſign'd for a Commonwealth, had no Land, no foundation to balance her ſelf upon, but was an Army in a Wilderneſs, incompaſs'd about with Enemys. To permit to the People in this caſe, the choice of all their Civil Magiſtrats, was nevertheleſs ſafe enough, nay beſt of all: for at the election of *wiſe men, and underſtanding, and known among their Tribes*, ſo far as was needful to civil adminiſtration, their ſkill muſt needs have bin at any time ſufficient; but the Commonwealth was yet in abſolute neceſſity of a Protector, and of Dictatorian Power. Now to know who was fitteſt in this caſe to ſuccede MOSES, requir'd the Wiſdom of God, or of MOSES; and therfore was not yet ſafe to be ventur'd upon a People ſo new in their Government. For theſe reaſons, I ſay, MOSES us'd the *Chirotheſia* for once, and no more; or let them ſhew me among all the Dictators, Judges, or Kings, that ſucceded JOSHUA, any one that was choſen by the *Chirotheſia*, and be all Dictators. It is now above three thouſand years ſince the inſtitution of the Sanhedrim, from which time the ambitious Elders firſt, then the Talmudiſts, and of latter ages Divines have bin perpetually ſtriving for, or poſſeſſing themſelves of this ſame Oligarchical Invention of the *Chirotheſia* pretended to be deriv'd from MOSES; tho there be neither any ſuch Precept of God or Chriſt in the Old or New Teſtament, nor any unanimous reſult upon the point, either by the Talmudiſts or Divines themſelves. And for the clear words quoted by the Doctor out of MAIMONIDES, they are ſuch to which I ſhall in due time ſhew MAIMONIDES to be elſewhere of a clear contrary opinion. But in this Controverſy, without ſom clearer deduction of the *Chirotheſia*, we ſhall make no happy progreſs; in this therfore I ſhall follow SELDEN the ableſt Talmudiſt of our age, or of any. Chap. 4.

THE Commonwealth of *Lacedemon* (if I could ſtand to ſhew it) has ſtrange reſemblances to that of *Iſrael*, not only in the Agrarian, which is nothing to the preſent purpoſe, but in the Senat, which to prevent catching another time, I do not ſay was a Judicatory only, but not only a Senat, but a Judicatory alſo. For LYCURGUS of all other Legiſlators was in this the likeſt to God, or to MOSES, that his work was ſo exquiſitly perfected at once, and his Laws ſo comprehenſive, that if the Senat had had no other function than to make or propoſe new Laws, there being little or nothing of that wanting, they would have had little or nothing to do. Now it being thus, and much more than thus in *Iſrael*, the Sanhedrim was not only the Senat, but the ſupreme Judicatory. And becauſe one Court in a Territory of any Extent is no where ſufficient to this end; therfore the Sanhedrim had divers branches diſtended not only to the Citys of *Judea*, but even to the Villages; theſe were call'd the *Leſſer Sanhedrim*, or the *Jethronian Prefectures*.

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Book II.

Selden de Syn.

THE Great Sanhedrim consisting, as has bin shewn, of 70 Elders, sat first in the Tabernacle, and afterwards in the Court of the Temple.

THE *Jethronian* Prefectures consisted som of three and twenty Elders, and others but of three. Of the former kind there were two in the gates of the Temple, and one sitting in the gates of every City; of the latter there was one almost in every Village.

THE power of the *Jethronian* Court, consisting of twenty three Elders, was in matter of Judicature equal with that of the great Sanhedrim, only in cases of difficulty they observ'd this Precept. *If there arise a matter too hard for thee in judgment between Blood and Blood, between Plea and Plea, between Stroke and Stroke, being matter of Controversy within thy gates; then shalt thou arise, and get thee up into the place which the Lord thy God shall chuse* (in the future, for the Commonwealth was yet but design'd, not planted) *and thou shalt com to the Priests and the Levits, and to the Judg that shall be in those days, and inquire, and they shall shew thee the sentence of Judgment:* That is, thou shalt consult the Sanhedrim, or if there be no Sanhedrim, the *Suffes* or Judg of *Israel.* The reason why the Sanhedrim in this Text is mention'd under the name of the *Priests* and *Levits* is, that these about the beginning of this Commonwealth having (as were also the *Egyptian* Priests at the same time) bin the learnedst Men, whether for Lawyers, or Physicians, there were scarce any other chosen into the Sanhedrim, tho towards the latter end it happen'd to be far otherwise. For wheras sacrificing was feasting, the Priests injoying a fat Idleness, became in latter times so heavy, that as to the Election of the Sanhedrim not only the *Levits* of inferior rank were upon the matter wholly laid by, but the High-Priest himself sometimes omitted, the rest of the Tribes far excelling this in Learning.

Vid. Grot. ad Deut. 17. 8.

THE power of the *Triumvirats*, or three Judges in the Villages, extended no farther than to inflict stripes to a certain number, and pecuniary mulcts to a certain sum. These possibly had the same recourse upon occasion of difficulty to the Judges in the Gates, as the Judges in the Gates had to the Sanhedrim: but their power is not so much to the present purpose, which regards only their manner of Election. This having bin institutively exercis'd, as has bin shewn by the *Chirotonia*, or Ballot of the People, came sooner or later (I find no man that can resolve upon the certain time) to the *Chirothesia.* For tho when a Judg in the gates was dead, that Court elected his Successor out of their Disciples (each Court in the Gates had 99 Disciples that were their constant Auditors) or out of the Triumvirats; and when an Elder of the Sanhedrim dy'd, the Sanhedrim elected his Successor out of the Courts in the Gates, more particularly those in the Gates of the Temple by Suffrages; yet no man was capable of being elected into any of these Courts that was not a Presbyter, nor was any man a Presbyter that had not receiv'd the *Chirothesia:* nor could any man confer the *Chirothesia* that had not first receiv'd it, or bin so ordain'd a Presbyter himself: nor tho he were so ordain'd, could he confer the like Ordination, but in the presence of two others, whether ordain'd or not ordain'd: and no Ordination could be confer'd but either this way, or by som one of the Judicatorys. The manner how this Ordination was confer'd, if the party were present, was either by laying on of Hands, or by saying a Verse or Charm; or if he were absent, by a Letter, or Patent.

Mikotzi Misna Gemara.

Abr. Zacuth. Maimonides.

AN

AN Elder thus ordain'd was call'd *Rabbi*, might have Diſciples, teach, practiſe, or expound the Law, declare what was therby free or forbidden (which with them was call'd *binding and looſing*) ordain others with the aſſiſtance mention'd, or be capable of Election into ſom one, or any Court of Juſtice, according to the nature of his Ordination, the Conditions mention'd at the conferring of the ſame, or *the gift that was in him by the laying on of the hands of the Preſbytery:* which in ſom extended no farther than to ſhew how Meat ſhould be kill'd and dreſs'd, how Uncleanneſs ſhould be purify'd, what were Vices of the body, what might be eaten or drunk, and what not; in others it extended to ſom one or more, or all the Facultys expreſs'd; but I am inclining to believe that a plenary Ordination us'd not to be confer'd but by the great Sanhedrim, or at leaſt ſom one of the *Jethronian* Courts. Chap. 4. Rab. Jonah. Rab. Nathan.

THEY us'd alſo to confer this Ordination ſom time occaſionally, and for a ſeaſon in this manner. *Receive the gift of judiciary Ordination, or the right of binding and looſing, till ſuch time as you return to us in the City.* Where the Chriſtian *Jews* ſtill following their former Cuſtoms in higher matters, as the obſervation of the Sabbath, and of Circumciſion, even to ſuch a degree, that PAUL not to diſpleaſe them *took* TIMOTHY *and circumcis'd him*, ſeem to me to have follow'd this cuſtom, who when the Prophets at *Antioch* had inform'd them that PAUL and BARNABAS were to be ſeparated to an extraordinary work, *laid their hands upon them, and ſent them away:* for otherwiſe as to Ordination PAUL and BARNABAS had that before; at leaſt PAUL by ANANIAS, and for any ſuch Precept in the Chriſtian Religion there was none, Maimon. Tit. San. cap. 4. Acts. 13. 3. Acts. 9. 17.

JOSEPHUS, PHILO, and other Authors that tell us the Commonwealth of *Iſrael* was an Ariſtocracy, look no farther than the introduction of the *Chirotheſia* by the Preſbyterian Party, which muſt have taken date ſom time after the Captivity, or the reſtitution of the Commonwealth by EZRA, there being not one ſyllable for it in Scripture, but enough to the contrary, ſeeing God introduc'd the *Chirotonia*. By which it is demonſtrable that a Preſbyterian Party may bring a Popular Government to Oligarchy, and deface even the work of God himſelf, ſo that it ſhall not be known to after-ages; as alſo that Eccleſiaſtical Writers (for ſuch are the *Talmudiſts*) may pretend that for many hundred years together, as Divines alſo have don, to be in Scripture, which neither is, nor ever was there. But have I yet ſaid enough to ſhew that Ordination, eſpecially as in this Example, not of a Clergy, but of a Magiſtracy, whether by the *Chirotonia*, or *Chirotheſia*, is a Political Inſtitution? or muſt I rack my brains for Arguments to prove that an Order or a Law having ſuch influence upon the Commonwealth, that being introduc'd or repeal'd, it quite alters the whole frame of the Government, muſt needs be of a political nature, and therfore not appertain to Divines, or to a Clergy, but to the Magiſtrat, unleſs their Traditions may be of force to alter the Government as they pleaſe? All is one, they can abate nothing of it, let what will com of the Government, the *Chirotheſia* they muſt and will have. Then let them have Monarchy too, or Tyranny; for one of theſe, according as the balance happens to ſtand with or againſt their *Chirotheſia*, is the certain conſequence; either Tyranny as in *Iſrael*, or Monarchy as in the Papacy; and, from that or the like Principle, in all

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Book II. *Gothic* Empires: which Examples, to begin with *Iſrael*, well deſerve the pains to be ſomwhat more diligently unfolded.

ALL Elections in *Iſrael*, ſave thoſe of the Prieſts who were eligible by the Lot, being thus uſurp'd by the Preſbyterian Party, and the People by that means diveſted of their *Chirotonia*; ſom three hundred years before CHRIST, HILLEL Senior High Prieſt, and Archon or Prince of the Sanhedrim, found means to draw this Power of Ordination, in ſhew ſomwhat otherwiſe, but in effect to himſelf, and his *Chirotheſia*: for by his influence upon the Sanhedrim it was brought to paſs, that wheras formerly any man ordain'd might, in the manner ſhewn, have ordain'd his Diſciples; it was now agreed that no man ſhould be ordain'd without the Licence of the Prince, and that this Power ſhould not be in the Prince, but in the preſence of the Father of the Sanhedrim, or Speaker of the Houſe. Thus the Ariſtocracy of *Iſrael* becoming firſt Oligarchical, took (according to the nature of all ſuch Governments) long ſteps towards Monarchy, which ſucceeding in the *Aſmonean* Family, commonly call'd the *Maccabees*, was for their great merit, in vindicating the *Jews* from the Tyranny of ANTIOCHUS, confirm'd to them by the univerſal conſent and *Chirotonia* of the People. Nevertheleſs to him that underſtands the Orders of a Commonwealth, or has read the *Athenian*, *Lacedemonian*, or *Roman* Story, it will be plain enough that but for their Ariſtocracy they needed not to have bin ſo much beholden to, or to have ſtood ſo much in need of one Family. It is true, both the merit of theſe Princes, and the manner of their free Election by the People, ſeem to forbid the name of Tyranny to this Inſtitution: but ſo it is, that let there be never ſo much Merit in a Man, or Inclination of the People to the Prince, or the Government that is not founded upon the due balance, the Prince, in that caſe muſt either govern in the nature of a Commonwealth, as did thoſe of this Family, reforming the policy after the *Lacedemonian* Model, or turn Tyrant, as from their time, who liv'd in the Age of the *Grecian* Monarchy, did all their Succeſſors, till under the *Romans* this Nation became a Province: From which time ſuch Indeavors and Inſurrections they us'd for the recovery of their antient Policy, that under the Emperor ADRIAN (who perceiv'd at what their Ordination, being not of Prieſts, but of Magiſtrats, and of a Senat pretending to Soverain Judicature and Authority, ſeem'd to aim) there came, ſays the *Talmud*, *againſt the* Iſraelits *an Edict out of the Kingdom of the Wicked* (meaning the *Roman* Empire) *wherby whoſoever ſhould ordain, or be ordain'd, was to be put to death, and the School or City in which ſuch an Act ſhould be done, to be deſtroy'd: wherupon Rabbi* JEHUDA BEN BABA (leſt Ordination ſhould fail in *Iſrael*) *went forth, and ſtanding between two great Mountains, and two great Citys, and between two Sabbathdays journys from* Oſa *and* Sephara, *ordain'd five Preſbyters.* For this Feat the Rabbi is remember'd by the *Talmudiſts* under the Name of Ordinator; but the ſame, as it follows, being diſcover'd by the *Roman* Guards, *they ſhot his Body thro with ſo many Darts, as made it like a Sieve:* Yet ſtaid not the buſineſs here, but ſo obſtinat continu'd the *Jews* in the Superſtition to which this kind of Ordination was now grown, that wheras by the ſame it was unlawful for them to ordain in a foren Land, and at home they could not be brrought to abſtain, the Emperor baniſh'd them all out of their own

Maimon. Tit. San. cap. 4.

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own Country; whence happen'd their total Diſperſion. That of a thing which at the firſt was a mere deluſion, ſuch Religion ſhould com in time, and with education to be made that not only they who had receiv'd advantage could ſuffer Martyrdom, but they that had loſt by it, would be utterly loſt for it, were admirable in the caſe of this People, if it were not common in the caſe of moſt in the World at this day: Cuſtom may bring that to be receiv'd as an Ordinance of God, for which there is no color in Scripture. For to conſult MAIMONIDES a little better upon this point: *Wheras*, ſays he, *they grant, in caſe it ſhould happen that in all the Holy Land there remain'd but one Preſbyter, that Preſbyter, aſſiſted by two other* Iſraelits, *might ordain the ſeventy, or great Sanhedrim, and the Sanhedrim ſo conſtituted might conſtitute and ordain the leſſer Courts, I am of opinion that were there no Preſbyter in the Land, yet if all the Wiſe Men of* Iſrael *ſhould agree to conſtitute or ordain Judges, they might do it lawfully enough. But if ſo, then how coms it to paſs that our Anceſtors have bin ſo ſolicitous, leſt Judicature ſhould fail in* Iſrael? *Surely for no other cauſe than that from the time of the Captivity the* Iſraelits *were ſo diſpers'd that they could not upon like occaſions be brought together.* Now I appeal whether the clear Words of MAIMONIDES, where he ſays, *that our Maſter* MOSES *ordain'd the* Sanhedrim *by the* Chirotheſia, be not more clearly and ſtrongly contradicted in this place, than affirm'd in the other; ſince acknowleging that if the People could aſſemble, they might ordain the *Sanhedrim*, he gives it for granted, that when they did aſſemble, they had power to ordain it; and that MOSES did aſſemble them upon this occaſion, is plain in Scripture. Again, if the power of Ordination falls ultimatly to the People, there is not a ſtronger argument in Nature that it is thence primarily deriv'd. To conclude, the *Chirotheſia* of the Preſbyterian Party in *Iſrael* is thus confeſs'd by the Author no otherwiſe neceſſary, than thro the defect of the *Chirotonia* of the People: which Ingenuity of the *Talmudiſt*, for any thing that has yet paſt, might be worthy the Imitation of Divines.

Chap. 4.

Halac Sam. C. 4. S. 11.

IN tracking the *Jews* from the reſtitution of their Commonwealth after the Captivity to their diſperſion, it ſeems that the later Monarchy in *Iſrael* was occaſion'd by the Oligarchy, the Oligarchy by the Ariſtocracy, and the Ariſtocracy by the *Chirotheſia*; but that this Monarchy, tho erected by magnanimous and popular Princes, could be no leſs than Tyranny deriv'd from another Principle, that is, the inſufficiency of the balance: For tho from the time of the Captivity, the Jubile was no more in uſe, yet the Virgin MARY as an Heireſs, is affirm'd by ſom to have bin marry'd to JOSEPH by virtue of this Law: *Every Daughter that poſſeſſes an Inheritance in any Tribe of the Children of* Iſrael, *ſhall be Wife to one of the Family of the Tribe of her Fathers*, &c. By which the Popular Agrarian may be more than ſuſpected to have bin of greater vigor than would admit of a well-balanc'd Monarchy.

Numb 27. 8.

THE ſecond Preſbytery, which is now attain'd to a well-balanc'd Empire in the Papacy, has infinitly excell'd the pattern, the Lands of *Italy* being moſt of them in the Church. This, if I had leiſure, might be track'd by the very ſame ſteps: At firſt it conſiſted of the ſeventy Pariſh Prieſts, or Preſbyters of *Rome*; now ſeventy Cardinals creating to themſelves a High Prieſt, or Prince of their Sanhedrim, the Pope, but for the Superſtition wherto he has brought Religion,

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ligion, and continues by his *Chirotheſia* to hold it, a great and a Reverend Monarch, eſtabliſh'd upon a ſolid Foundation, and governing by an exquiſit Policy, not only well-balanc'd at home, but deeply rooted in the greateſt Monarchys of Chriſtendom, where the Clergy by virtue of their Lands are one of the three States.

THE Maxims of *Rome* are profound; for there is no making uſe of Princes without being neceſſary to them, nor have they any regard to that Religion which dos not regard Empire. All Monarchys of the *Gothic* Model, that is to ſay, where the Clergy by virtue of their Lands are a third eſtate, ſubſiſt by the Pope, whoſe Religion creating a reverence in the People, and bearing an aw upon the Prince, preſerves the Clergy, that elſe being unarm'd, becom a certain Prey to the King or the People; and where this happens (as in HENRY the Eighth) down gos the Throne; for ſo much as the Clergy loſes, falls out of the Monarchical into the Popular Scale. Where a Clergy is a third Eſtate, Popular Government wants Earth, and can never grow: but where they dy at the root, a Prince may ſit a while, but is not ſafe: nor is it in nature (except he has a Nobility or Gentry able without a Clergy to give balance to the People) that he ſhould ſubſiſt long or peaceably: For wherever a Government is founded on an Army, as in the Kings of *Iſrael* or Emperors of *Rome*, there the ſaddeſt Tragedys under Heaven are either on the Stage, or in the Tiring-houſe. Theſe things conſider'd, the *Chirotheſia* being originally nothing elſe but a way of Policy excluding the People, where it attains not to a balance that is ſufficient for this purpoſe, brings forth Oligarchy or Tyranny, as among the *Jews*: And where it attains to a balance ſufficient to this end, produces Monarchy, as in the Papacy, and in all *Gothic* Kingdoms.

THE Prieſts of *Egypt*, where, (as it is deſcrib'd by SICULUS) their Revenue came to the third part of the Realm, would no queſtion have bin exactly well fitted with the *Chirotheſia* pretended to by modern Divines. Suppoſe the Apoſtles had planted the Chriſtian Religion in thoſe Parts, and the Prieſts had been all converted, I do not think that Divines will ſay, that having alter'd their Religion they needed to have deſerted their being a third Eſtate, their overbalance to the People, their Lands, their Preeminence in the Government, or any Part of their Policy for that: and I am as far from ſaying ſo as themſelves.

ON the other ſide, as PAUL was a Citizen of *Rome*, let us ſuppoſe him to have bin a Citizen of *Athens*, and about (καθιςάναι) to conſtitute the Chriſtian Religion in this Commonwealth, where any Citizen might ſpeak to the People: Imagin then he ſhould have ſaid thus: *Men of* Athens, *that which you ignorantly ſeek I bring to you, the true Religion; but to receive this, you muſt not alter your former Belief only, but your antient Cuſtoms. Your Political Aſſemblys have bin hitherto call'd* Eccleſiæ; *this word muſt loſe the antient ſenſe, and be no more underſtood but of Spiritual Conſiſtorys; and ſo wheras it has bin of a Popular, it muſt henceforth be of an Ariſtocratical, or Preſbyterian ſignification. For your* Chirotonia, *that alſo muſt follow the ſame rule; inſomuch as on whomſoever one or more of the Ariſtocracy or Preſbytery ſhall lay their hands, the ſame is underſtood by virtue of that Action to be chirotoniz'd.* How well would this have ſounded in *Egypt*, and how ill in *Athens?* Certainly

tainly the Policy of the Church of CHRIST admits of more Prudence and Temperament in theſe things: Tho the Apoſtles being *Jews* themſelves, ſatisfy'd the converted *Jews* that were us'd to Ariſtocracy, by retaining ſomewhat of their Conſtitutions, as the *Chirotheſia*; yet when PAUL and BARNABAS com to conſtitute in Popular Commonwealths, they are (χειροτονήσαντες αὐτοις πρεσβυτέρους κατ' ἐκκλησίαν) *Chirotonizing them Elders in every Congregation.* Chap. 5.

CHAP. V.

Whether the Chirotonia *mention'd in the fourteenth of the* Acts *be indeed, as is pretended by Dr.* HAMMOND, *Dr.* SEAMAN, *and the Authors they follow, the ſame with the* Chirotheſia, *or a far different thing. In which are contain'd the divers kinds of Church-Government introduc'd and exercis'd in the age of the Apoſtles.*

EITHER I have impertinently intruded upon the Politics, or cannot be ſaid ſo much to meddle in Church-matters, as Churchmen may be ſaid to have meddled in State-matters: For if the *Chirotonia* be Election by the many, and the *Chirotheſia* be Election by one, or by the Few, the whole difference between Popular and Monarchical Government falls upon theſe two words; and ſo the queſtion will be, Whether the Scriptures were intended more for the advantage of a Prince, of a Hierarchy or Preſbytery, than of the People. But that God in the Old Teſtament inſtituted the *Chirotonia*, not only in the Commonwealth, as by the Election of the Sanhedrim, but in the Monarchy, as in the Election of the Kings, is plain: So if there remains any advantage in Scripture to Kings, to the Hierarchy or Preſbytery, it muſt be in the New Teſtament. *Iſrael* was God's choſen People, and God was *Iſrael*'s choſen King: That God was pleas'd to bow the Heavens, and come down to them, was his choice, not theirs; but in that upon his Propoſition, and thoſe of his Servant MOSES, they reſolv'd to *obey his Voice, and keep his Covenant*, they choſe him their King. In like manner, the Church is CHRIST's choſen People, and CHRIST is the Church's choſen King. That CHRIST taking fleſh was pleas'd to bow the Heavens, and com down in a more familiar capacity of propoſing himſelf to Mankind, was his own choice, not theirs: but in that the Church upon his Propoſition, or thoſe of his Apoſtles ſent by him, as he was ſent by the Father, reſolv'd to obey his Voice, and keep his Covenant, ſhe has choſen him her King. Whatever in Nature or in Grace, in Church or in State, is choſen by Man according to the Will of God, is choſen by God, of whom is both the Will and the Deed. Which things conſider'd, I wonder at Dr. HAMMOND, who ſays, *Sure the* Jewiſh *and Heathen Citys, to whom the Goſpel by* CHRIST's *Command was to be preach'd, were not to chuſe their Guides or Teachers.* CHRIST *was not choſen by them to whom he preach'd; for ſays he, ye have not choſen me. He came from Heaven, ſent by his Father on that Errand; and happy they whom he was thus pleas'd to chuſe, to call,* §. 36.

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Book II. *and preach to. And when his Apoſtles, after his example, go and preach to all Nations, and actually gather Diſciples, they choſe their Auditors, and not their Auditors them.* To make ſhort work, I ſhall anſwer by explaining his Words as they fall.

A *ROMAN* chuſing whether he would ſpeak to the Senat or the People, choſe his Auditors, and not they him: Nevertheleſs if it were the Conſul, they choſe him, and not he them. It is one thing to be a Speaker to a People, that have the liberty, when that's don, to do as they think fit; and another thing to be a Guide, whom the People have conſented, or oblig'd themſelves to follow: which diſtinction not regarded, makes the reſt of his Argumentation recoil upon himſelf; while he procedes thus: *And they that give up their Names to the Obedience of the Goſpel* (choſe the Preachers, as I ſhould think, of that Goſpel their Guides) *one branch of this Obedience obliges them* (by their own conſent it ſeems, becauſe before they gave up their Names) *to obſerve thoſe that* (being thus plac'd over them by their conſent) *are plac'd over them by God: ſuch not only are their Civil Magiſtrats* (who ſuccede to their places by, and govern according to the Laws which the People have choſen) *but alſo their Paſtors, whom the Holy Ghoſt either mediatly* (according to the Rules of Church Diſciplin in Scripture) *or immediatly* (upon ſom ſuch miraculous Call, as the People ſhall judg to be no impoſture) *has ſet over them.* From which words the Doctor, not conſidering thoſe Qualifications I have ſhewn all along to be naturally inherent in them, concludes *that a Biſhop is made by the Holy Ghoſt, and not by the People.*

IF he would ſtand to this yet it were ſomthing; for if the Holy Ghoſt makes a Biſhop, then I ſhould think that the Holy Ghoſt ordain'd a Biſhop, and ſo that the Election and Ordination of a Biſhop were all one. But this hereafter will appear to be a more dangerous Conceſſion than perhaps you may yet apprehend. Wherfore when all is don, you will not find Divines, at leaſt Dr. HAMMOND, to grant that the Holy Ghoſt can ordain: he may elect indeed, and that is all; but there is no Ordination without the *Chirotheſia* of the Biſhops, or of the Preſbytery. Take the Doctor's word for it.

§. 107. Acts 20. 28. *WHEN St.* PAUL *ſays of the Biſhops of* Aſia, *that the Holy Ghoſt had ſet them Overſeers, I ſuppoſe that it is to be underſtood of their Election or Nomination to thoſe Dignitys: for ſo* CLEMENT *ſpeaks of St.* JOHN, *who conſtituted Biſhops of thoſe that were ſignify'd by the Spirit; where the Spirit's Signification notes the Election or Nomination of the Perſons, but the conſtituting them was the Ordination of St.* JOHN.

GOD may propoſe, as the Electors do to the great Council of *Venice*; but the Power of the Council, that is to reſolve or ordain, is in the Biſhop, ſays Dr. HAMMOND, and in the Preſbytery, ſays Dr. SEAMAN. Indeed that Election and Ordination be diſtinct things, is to Divines of ſo great Importance, that loſing this hold, they loſe all: For, as I ſaid before, whatever is choſen by Man according to the Will of God, that is, according to Divine Law, whether natural or poſitive, the ſame, whether in State or Church, is choſen by God, or by the Holy Ghoſt, of whom is both the Will and the Deed. To evade this, and keep all in their own hands, or *Chirotheſia*, Divines have invented this diſtinction, that Election is one thing, and Ordination another: God may elect, but they muſt conſtitute; that is, God may propoſe, but they muſt reſolve. And yet GROTIUS, who

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who in theſe things is a great Champion for the Clergy, has little more to ſay upon this Point than this. *Whether we conſider antient or modern Times, we ſhall find the manner of election very different not only in different Ages and Countrys, but in different years of the ſame age, and places of the ſame Country, ſo uncertain it is to determin of that which the Scripture has left uncertain. And while men diſpute not of Right, but of Convenience, it is wonderful to ſee what probable Arguments are brought on all ſides. Give me* CYPRIAN *and his times, there is no danger in popular Election. Give me the* Nicene *Fathers, and let the Biſhops take it willingly. Give me* THEODOSIUS, VALENTINIAN, *and* CHARLES *the Great, than Royal Election there is nothing ſafer.* Upon the heels of theſe Words treads Dr. HAMMOND in this manner: *That Election and Ordination are ſeveral things, is ſufficiently known to every man that meaſures the nature of Words either by uſage or Dictionarys; only for the convincing of ſuch as think not themſelves oblig'd to the obſervation of ſo vulgar Laws, I ſhall propoſe theſe evidences. In the Story of the Creation of the Deacons of* Jeruſalem, *there are two things diſtinctly ſet down, one propos'd to the multitude of Diſciples to be don by them, another reſerv'd to the Apoſtles; that which was propos'd to the Multitude was to elect,* &c. *Election of the Perſons was by the Apoſtles permitted to them, but ſtill the* (καταστήσομεν) *conſtituting is reſerv'd to the Apoſtles.* Then coms Dr. SEAMAN: *Be it granted, as it is by Proteſtants generally, that* PAUL *and* BARNABAS *made Elders with the conſent of the People, their Conſent is one thing, and their Power another.*

Chap. 5.

De Imp. ſum. Pot. c. 10. §. 31.

§ 104.

Acts 6.

Of Ordinat. P. 13.

WHERE in the firſt place I for my particular, who have had the Books of Dr. HAMMOND and Dr. SEAMAN ſent to me by way of Objection, need not go a ſtep further. All that I have inſerted in my *Oceana* concerning Ordination, is in theſe three Votes acknowleg'd and confirm'd: For the Probationer to be there ſent by a Univerſity to a Cure that is vacant, may by a Doctor, or the Doctors of the ſame Univerſity already ordain'd, receive Impoſition of Hands, if that be thought fit to be added, and then the Election of the ſame Probationer by the People dos no hurt, nay, ſays GROTIUS, *is of the right of Nature; for it is naturally permitted to every Congregation to procure thoſe things which are neceſſary to their conſervation, of which number is the Application of Function. So Merchants have the right of electing of a Maſter of their Ship; Travellers of a Guide in their way, and a free People of their King.* The Merchant, it ſeems, dos not make the Maſter of his Ship, the Traveller his Guide, nor the free People their King, but elect them. As if VAN TRUMP had bin Admiral, a Robber upon the Highway had bin a Scout, or the Guide of an Army, or SAUL a King before they were elected. The point is very nice, which inſtead of proving, he illuſtrats in the beginning of the ſame Chapter by theſe three ſimilitudes.

De Imp. c. 10.

THE firſt is this, *The Power of the Huſband is from God, the Application of this Power to a certain Perſon is from conſent, by which nevertheleſs the right is not given; for if this were by conſent, the Matrimony might be diſſolv'd by conſent; which cannot be.* As if an apparent retraction of Matrimonial Conſent, as when a Wife conſents to another than her own Huſband, or commits Adultery, did not deliver a man from the bond of Marriage by the Judgments of CHRIST. There is an imperfection or cruelty in thoſe Laws, which make Marriage to

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Book II. laſt longer than a man in humanity may be judg'd to be a Huſband, or a woman a Wife: To think that Religion deſtroys Humanity, or to think that there is any defending of that by Religion which will not hold in Juſtice, or natural Equity, is a vaſt error.

THE ſecond Similitude is this: *Imperial Power is not in the Princes that are Electors of the Empire; wherfore it is not given by them, but applied by them to a certain Perſon.*

1 Pet. 2. 13. THIS is anſwer'd by PETER, where he commands Obedience to every Ordinance of Man (or, as ſom nearer the Original, every Power created by men) whether it be to the *Roman* Emperor, as Supreme, or to the Proconſuls of *Aſia* and *Phrygia*, as ſent by him; for this is the ſenſe of the *Greec*, and thus it is interpreted by GROTIUS. Now if the then *Roman* Emperor were a Creature of Man, why not the now *Roman* Emperor?

THE laſt Similitude runs thus: *The Power of Life and Death is not in the Multitude before they be a Commonwealth; for no privat Man has the right of Revenge; yet it is apply'd by them to ſom Man, or Political Body of Men.* But if a Man invades the Life of another, that other, whether under Laws or not under Laws, has the right to defend his own Life, even by taking away that (if there be no other probable Remedy) of the Invader. So that men are ſo far from having bin void of the power of Life and Death before they came under Laws, that Laws can never be ſo made as wholly to deprive them of it after they com under them: wherfore the Power of Life and Death is deriv'd by the Magiſtrat from, and confer'd upon him by the conſent or *Chirotonia* of the People, wherof he is but a mere Creature; that is to ſay, an Ordinance of Man.

THUS theſe Candles being ſo far from lighting the Houſe, that they dy in the Socket, GROTIUS has bin no leſs bountiful than to grant us that the People have as much right (where there is no human Creature or Law to the contrary) to elect their Churchmen, as Merchants have to elect their Seamen, Travellers their Guides, or a free People their King; which is enough a conſcience. Nor is Dr. HAMMOND ſtraiter handed: Election, ſays he, was permitted by the Apoſtles to the Multitude, and therfore the ſame may be allow'd, always provided the (καταστήσομεν) conſtituting be reſerv'd to the Paſtors, or ordain'd Doctors and Preachers. And Dr. SEAMAN, upon condition the People will not ſay that it was don by their power, but think it fair that it was don by their conſent, is alſo very well contented. So all ſtands ſtreight with what I have heretofore propos'd. Let no man then ſay, whatever follows, that I drive at any Ends or Intereſts, theſe being already fully obtain'd and granted; nevertheleſs for truth ſake I cannot leave this Diſcourſe imperfect. If a Politician ſhould ſay that the Election and the Ordination of a *Roman* Conſul or Pontifex were not of like nature; that the καταστήσομεν, Contract of the Senat of *Rome* with the People in the Election of NUMA (*ut cum populus regem juſſiſſent, id ſic ratum eſſet, ſi patres autores fierent*) included or imply'd the Soverain power to be in the Fathers; that the Conſent of this People was one thing, and their Power another: If, I ſay, he ſhould affirm theſe or the like in *Athens*, *Lacedemon*, or any other Commonwealth that is or has bin under the Sun, there would be nothing under the Sun more ridiculous than that Politician. But ſhould men pretending to Government of

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any kind be not oblig'd to ſom conſideration of theſe Rules in Nature and univerſal Experience; yet I wonder how the word (καθιςάναι) to conſtitute, with which they make ſuch a flouriſh, did not lead them, otherwiſe than they follow; this, as it was ſaid of SOLON by ARISTOTLE, being that which I have already ſhewn to be us'd both in the *Greec* of the Scripture, for the conſtitution of the Sanhedrim by MOSES, and in other Authors for that of the Senat by ROMULUS, each of which was then elected by the People: whence it may appear plainly that this is no word, as they pretend, to exclude popular Suffrage, but rather to imply it. And indeed that it is of no ſuch nature as neceſſarily to include Power, could not have bin overſeen in the New Teſtament, but voluntarily where (οἱ δὲ καθιςῶντες τὸν Παῦλον) they are ſignify'd by it that conducted PAUL. But they have Miracles: ſuch indeed as have neither words nor reaſon for them, had need of Miracles. And where are theſe ſame Miracles? why the Apoſtles by the *Chirotheſia* or laying on of hands confer'd the Holy Ghoſt. So they did not only when they us'd that Ceremony in reference to Ordination, but when they us'd it not in that relation, as to thoſe that were newly baptiz'd in *Samaria*, Men and Women: now it is not probable, that theſe, who ſhould ſeem to have been numerous, were all ordain'd, at leaſt the Women; and ſo the Miracle is to be attributed to the Hands of the Apoſtles, and not to Ordination in general. JOSHUA *was full of the Spirit* (not becauſe he had been ordain'd by the *Chirotheſia*, for ſo had many of them that crucify'd CHRIST and perſecuted the Apoſtles, but) becauſe MOSES *had laid his hands upon him.*

Chap. 5.

Acts 17. 15.

Acts 8.

WOULD Divines be contented that we ſhould argue thus; The *Chirotonia* or Suffrage of the People of *Iſrael* at the firſt inſtitution was follow'd with miraculous Indowments, therfore whoever is elected by the People ſhall have the like? Or what have they to ſhew why the Argument is more holding as to their *Chirotheſia*, ſeeing for above one thouſand years all the Hierarchy and Preſbytery laid together have don no more Miracles than a Pariſh Clerc?

A CONTINU'D Miracle, as that the Sea ebbs and flows, the Sun always runs his admirable courſe, is Nature. Intermitted Nature, as that the waters of the Red Sea were mountains, that the Sun ſtood ſtill in the Dial of AHAZ, is a Miracle. To continue the latter kind of Miracle were to deſtroy the former, that is, to diſſolve Nature. Wherfore this is a certain rule, that no continu'd external Act can be in the latter ſenſe miraculous. Now Government, whether in Church or State, is equally a continu'd external Act. An internal continu'd Act may indeed be natural, or ſupernatural, as Faith.

A NATURAL Man, being even in his own natural apprehenſion *fearfully and wonderfully made*, is by the continu'd Miracle of Nature convinc'd that the World had a Creator, and ſo coms to believe in that which is ſupernatural; whence it is that all Nations have had ſom Religion: and a Spiritual Man being convinc'd by the purity of CHRIST's Doctrine, and the Miracles wherby it was firſt planted, is brought to the Chriſtian Faith. However CHRIST may require ſuch continu'd Faith or Spiritual exerciſe of his Church as is ſupernatural, he requires not any ſuch continu'd Act or bodily exerciſe of his Church as is ſupernatural. But the Government of the Church is a continu'd Act, or bodily exerciſe. It ſhould be heeded that to delude the ſenſe is not to do Miracles, but to uſe Impoſture. Now to per-

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ſuade us, That Monarchical, Ariſtocratical, Popular, or mixt Goverment have not always bin in Nature, or that there has ever bin any other in the Church, were to delude ſenſe. Wherfore give me leave (in which I am confident I ſhall uſe no manner of Irreverence to the Scripture, but on the contrary make the right uſe of it) to diſcourſe upon Church-Government according to the Rules of Prudence.

THE Goſpel was intended by Chriſt to be preach'd to all Nations, which (Princes and States being above all things exceding tenacious of their Power) is to me a certain Argument that the Policy of the Church muſt be ſo provided for, as not to give any of them juſt cauſe of Jealouſy, there being nothing more likely to obſtruct the growth of Religion : and truly the nearer I look to the Scripture, the more I am confirm'd in this opinion.

Firſt way of Ordination in the Church of Chriſt. CHRIST being taken up into Heaven, the firſt Ordination that we find was that of the Apoſtle MATTHIAS after this manner.

Acts 1. THE Ariſtocracy of the Church, that is the Apoſtles, aſſembl'd the whole Congregation of Diſciples or Believers at *Jeruſalem*, being in number one hundred and twenty, where PETER (it having as it ſhould ſeem bin ſo agreed by the Apoſtles) was Propoſer; who ſtanding up in the midſt of the Diſciples, acquainted them, that wheras JUDAS was gone to his Place, the occaſion of their preſent meeting was to elect another Apoſtle in his room : wherupon proceding to the Suffrage, they appointed two Competitors, JOSEPH and MATTHIAS, whoſe Names being written each in a ſeveral Scrol, were put into one Urn, and at the ſame time two other Lots, wherof one was a blank, and the other inſcrib'd with the word *Apoſtle*, were put into another Urn; which don, they pray'd and ſaid, *Thou Lord which knoweſt the hearts of all men, ſhew whether of theſe two thou haſt choſen.* The Prayer being ended, they *gave forth their Lots, and the Lot fell upon* MATTHIAS (καὶ συνκατεψηφίσθη μετὰ τῶν ἕνδεκα ἀποστόλων) and by this *Pſephiſma* (the very popular word, and not only ſo, but being apply'd to the Ballot, is the very literal and original ſignification) he was added to the eleven Apoſtles. So you have the firſt way of Ordination in the Church, after Chriſt was taken up into Heaven, perform'd by the Election or *Chirotonia* of the whole Church.

NOW except any man can ſhew that MATTHIAS ever receiv'd the impoſition of hands, theſe ſeveral things are already demonſtrated. Firſt, that the *Chirotonia* is not only the more antient way of Ordination in the Commonwealth of *Iſrael*, but in the Church of CHRIST. Secondly, that the *Chirotheſia* or impoſition of Hands is no way neceſſary to Ordination in the Chriſtian Church. Thirdly, that the Diſciplin of the Chriſtian Church was primitively Popular ; for to ſay that in regard of the Apoſtles it was Ariſtocratical, is to forget that there is no ſuch thing, without a mixture of Ariſtocracy, that is without the Senat, as a Popular Government in Nature. Fourthly, that Ordination in the Commonwealth of *Oceana* being exactly after this pattern, is exactly according to the Diſciplin of the Church of CHRIST. And fifthly, that Ordination and Election in this example are not two, but one and the ſame thing.

THE laſt of theſe Propoſitions having bin affirm'd by Mr. HOBBS, p. 115. Dr. HAMMOND tells him plainly, that his aſſertion is far from all truth : Let us therfore conſider the Doctor's Reaſons, which are theſe ; *Seeing the Congregation*, ſays he, *is affirm'd by the Gentleman to have ordain'd,*

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dain'd, and it is plain by the words of St. LUKE *that God elected, Election and Ordination by this Example muſt be diſtinct things:* which in another place going about to fortify with this Argument, *That it was don by Lottery, and* SOLOMON *ſays, The Lot is at the diſpoſing of the Lord,* he utterly overthrows without and beyond help; for in this SOLOMON not denying, but rather affirming that he was choſen King by the People, plainly ſhews that Election by the People is Election by God. Where it is affirm'd, that God rais'd up Judges in *Iſrael*, it is not deny'd that the People elected them. The Doctor is at it in MAIMONIDES more than once, *that the Divine Majeſty reſted upon ſuch as were ordain'd by Impoſition of Hands.* But wheras it is affirm'd by MAIMONIDES more often, that *when the People* (Eccleſia Dei) *or Congregation of* Iſrael *aſſembl'd, then the Divine Majeſty, or the Holy Ghoſt reſted upon them*; of this he never takes any notice. The People, whether in *Iſrael*, *Athens*, *Lacedemon*, or *Rome*, never aſſembl'd for enacting of Laws, or Election of Magiſtrats, without Sacrifice and imploring the aſſiſtance of God, to whom when their work was perform'd, they always attributed the whole Reſult or Election: and would the Doctor have Chriſtians to allow him but a Piece? For wheras God electing there had, in the ſenſe both of *Jews* and *Heathens*, his choice of all, God electing here had in the ſenſe of Divines, but his choice of two, which were next this or none, but that indeed where he has not the whole he has none at all. Is that then far from all truth, which the Gentleman, or that which the Divine has ſaid, either in this part, or where he adds, that the hundred and twenty in the Text are never mention'd but once, and then it is in a Parentheſis? I will but tranſcribe the place. *Dr.* H. *of impoſition.* § 115.

Chap. 5.

AND in thoſe Days PETER *ſtood up in the midſt of the Diſciples, and ſaid (the number of the Names together were about an hundred and twenty)* &c. Are the Diſciples in the Parentheſis, or out of it? Are they but once mention'd, and that is in a Parentheſis? Or are they but once number'd, and that is in a Parentheſis? If a Gentleman ſhould do thus, what would they ſay? Or, what were ill enough to be ſaid? But to mend the Text, and bring the Diſciples into the Parentheſis, they have more ways than one; wheras the Heathen People, while the Prieſts were willing, mix'd theſe Dutys with Devotions, Divines will not ſuffer a Chriſtian People upon like occaſions to pray: for where it is ſaid, *They pray'd*, it went before, *they appointed two*, and it follows, *They gave out their Lots*; which antecedent and conſequent, if the People pray'd, muſt be equally underſtood of them, and ſo they could be no Parentheſis. Therfore pray they muſt not, or Divines are loſt. But how will they ſilence them? To ſhew you this art I muſt tranſcribe the Heads of the Chapter. Acts 1. 15.

THE Apoſtles being return'd from Mount *Olivet* to *Jeruſalem, went up into an upper room, where abode both* PETER *and* JAMES, *and* JOHN, *and* ANDREW, JAMES *the Son of* ALPHEUS, *and* SIMON ZELOTES, *and* JUDAS *the Brother of* JAMES. Verſe 13.

AND in thoſe days PETER *ſtood up in the midſt of the Diſciples, and ſaid (the number of Names together were about one hundred and twenty)* 15.

MEN and Brethren, 16.

OF theſe men which accompany'd with us all the time that the Lord Jeſus went in and out amongſt us, 21.

MUST

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Book II.

MUST one be ordain'd to be a Witneſs with us of his Reſurrection.
AND they appointed two, JOSEPH *and* MATTHIAS.
22. *AND they pray'd, and ſaid, Thou Lord which knoweſt the hearts of*
23. *all men, ſhew whether of theſe two thou haſt choſen.*
24. *AND they gave forth their Lots, and the Lot fell upon* MATTHIAS,
26. καὶ συνκατεψηφίσθη μετὰ τῶν ἕνδεκα ἀποστόλων.

THEY whom PETER acquainted that one muſt be ordain'd, one would verily believe were the hundred and twenty Diſciples, in the midſt of whom he ſtood up, and made the Propoſition; and ſo much the rather, becauſe this was no more than the Apoſtles knew before, and (in all right underſtanding of Government and Senſe) were already agreed upon, it being the office of the Ariſtocracy or Senat in a Commonwealth (and ſuch exactly were the Apoſtles in the Church) upon all new Orders or Elections to be made; firſt, to debate and determin by themſelves, and then to propoſe to the *Chirotonia* or ultimat reſult of the People. But Divines ſay abſolutely no, which word to make good, *They appointed two*, and *they pray'd*, and *they gave forth their Lots*, being ſentences that ſtand plainly together, or hunt in couples, muſt leap ſheer over nine Verſes, PETER's whole Oration (which by this means is no more than a Parentheſis neither) and over the hundred and twenty Diſciples, without touching a hair of their heads, to light plum upon the thirteenth Verſe, and the eleven Apoſtles! Never man us'd his Grammar ſo ſince he threw it at a Pear tree! Yet
Grotius. that CHRYSOSTOM (who underſtood *Greec*) allows of no ſuch conſtruction, is confeſs'd by the learneſt of this opinion; and wheras they fly to the *Latin* Fathers, that retreat is wholly cut off by DAVID BLUNDEL in his very learned Treatiſe *of the right of the People in the Church-Government.*

BUT what do we ſtand upon words? Are theſe ſuch wherof the things to which they relate may be Interpreters? Or to what things can they relate but the Inſtitution of the Sanhedrim by MOSES? That at the Inſtitution of the Sanhedrim the Competitors were elected by the Suffrage of the People, and from thence that the Ballot of *Iſrael* conſiſted not only of a Lot but of a Suffrage too, has bin already demonſtrated out of Scripture; and that the Election of MATTHIAS was by the Ballot of *Iſrael* is no leſs apparent in itſelf, than fully confeſs'd upon the place by GROTIUS.

Demonſtration that God never ordain'd any Policy Eccleſiaſtical or Civil, but upon the Principles of Human Prudence. Joſh. 9. 11.

" THEY that under color of Religion in matter of Government, " ſlight Prudence, are miſtaken, or do not mean honeſtly. Neither " GOD nor CHRIST ever inſtituted any Policy whatſoever upon " any other Principles than thoſe of Human Prudence. The Em- " baſſadors ſent from the *Gibeonites* to JOSHUA deliver their Meſſage " in this manner; *The Elders and all the Inhabitants of our Country* " *ſpake to us, ſaying, Go meet them, and ſay to them, We are your Ser-* " *vants; therfore now make ye a League with us.* They that had power " to ſend Embaſſadors and to make a League with a foren Nation, " had ſoverain Power; this ſoverain power was in the Elders, or Se- " nat, and in the People of *Gibeon:* wherfore God conſtituting his " Commonwealth for the main Orders (that is to ſay, the Senat and " the People) upon the ſame Principles on which the *Gibeonites* had " long before built theirs, laid his Foundations upon no other than " human Prudence. So for the inferior Courts they were tranſcrib'd " by MOSES out of the Commonwealth of *Midian*, upon advice

" of

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" of JETHRO his Father in Law. According to ſuch patterns was Chap. 5.
" *Iſrael* fram'd, and by that of *Iſrael* this firſt Policy of the Church of
" CHRIST ſo exactly, as (*ſans comparaiſon*) any man ſhall ſhew
" the Commonwealth of *Oceana* to have bin tranſcrib'd out of *Rome*
" or *Venice*. Let them that would have the Government be ſomwhat
" between Earth and Heaven, conſider this place.

NOR is the Eccleſiaſtical Policy only ſubject to Human Prudence, but to the ſame viciſſitudes alſo wherto Human Prudence is ſubject, both in her own nature, and as ſhe is obnoxious to the State wherin ſhe is planted, and that inavoidably; as I com now to demonſtrat by the Alterations which happen'd even in the Age of the Apoſtles themſelves: for this at the Election of MATTHIAS being alter'd, the next form of Eccleſiaſtical Policy introduc'd in their times, is reſembl'd by GROTIUS to that of *Athens*, of which, for the better clearing of what follows, it is neceſſary that I firſt ſay ſomthing by way of Introduction.

THE *Theſmothetæ*, being in number ſix, were Magiſtrats of the higheſt dignity, power, and rank in *Athens*. Theſe, ſays ARISTOTLE, were elected by the *Chirotonia* or Suffrage of the People; and ſays POLLUX, being elected underwent the Inquiſition of the Senat, where they were to anſwer to thoſe Interrogatorys, *Whether they worſhip'd the God of their Countrys? Whether they had bin dutiful to their Parents? born Arms for the Commonwealth? paid Dutys or Taxes?* In which Particulars the Senat being ſatisfy'd, *They were ſworn and crown'd with Myrtle:* which coms to this, that the (κατασήτομεν) or Conſtitution being reſerv'd to the Senat, the *Theſmothetæ* were elected by the *Chirotonia* of the People. Now tho' the Government of *Athens* throout the Citys of *Aſia* (being moſt of them of the like Model) was moſt known, I will not ſay that the Apoſtles wrote their Orders out of *Athens*, but ſeeing all Political Inſtitutions muſt needs be according to Human Prudence, and there is nothing to be written out of this but what will fall even with ſom other Government that is or has bin, I may ſay, as GROTIUS has ſaid before me, that the frame of Church Government in the inſuing Example was after the manner of *Athens*.

Ariſt. 2. lib. 2. c. 10.

Pol. lib. 8. c. 9.

WHEN the number of the Diſciples, or Believers, *was multiply'd, there aroſe a murmuring* among ſuch of the *Jews* as having bin bred in *Alexandria* or other parts, were for their Language (which was *Greec*) partly ſtrangers, againſt the *Hebrews* or converted *Jews*, that ſpoke their own Language, as if theſe indeed us'd them like ſtrangers, their Widows being neglected, or not dealt ſo liberally withal, as thoſe of the *Hebrews* in the Contributions due for their conſtant maintenance.

Second way of Ordination in the Church of Chriſt.

HEREUPON the twelve Apoſtles, after the manner of the Senat, having without all queſtion debated the buſineſs among themſelves, as appears by the ſpeech upon which they were agreed, aſſembl'd the People, which is ſtill Senatorian, or call'd the multitude of the Diſciples to them, and ſaid, It is not reaſon that we ſhould leave preaching, or the Word of God, to be taken up with this, tho charitable, nay, ſeeing we have introduc'd Community of goods, moſt juſt and neceſſary imployment of providing Food and Cloathing for every one of our Fellowſhip or Community (the Chriſtians in theſe times, much after the manner of the *Lacedemonian* Convives, us'd to eat in publick and together) to do this as it ought to be don, were to becom

Caterers,

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Book II. Caterers, and be taken up in ſerving Tables, *Wherfore, Brethren,* (take the wiſe men and underſtanding, and known among you) *look out ſeven men of honeſt report, full of the Holy Ghoſt, and of Wiſdom* (ὃς κατας-ήσομεν ἐπι τῆς χρειας ταυτης) *whom we may appoint over this buſineſs.*

THIS Saying, that is, this Propoſition of the Senat or Apoſtles, *pleas'd the whole Multitude*, (like that of MOSES, *the thing which thou haſt ſaid is good for us to do) So they choſe* STEPHEN, PHILIP, PROCHORUS, NICANOR, TIMON, PARMENAS, *and* NICOLAS, whom being elected, *they ſet before the Apoſtles, who when they had pray'd, laid their hands upon them.*

WHAT fuller demonſtration can be given of any thing, than that in this example Ordination and Election are one and the ſame, that this was confer'd by the *Chirotonia* of the People? If there be any poſſible way of making this clearer, it muſt be by oppoſition: wherfore let us ſee what Divines have to ſay to the contrary.

GROTIUS gives us all we aſk from this place, which he gives for nothing, becauſe it concerns not the Election of Paſtors, but of Deacons. As if STEPHEN and PHILIP had not only bin Preachers of the Goſpel, but don Miracles. What Dr. SEAMAN denys or grants in relation to the ſame, I have indeavor'd to underſtand, but it will not do. Dr. HAMMOND is ſo plain, that his Objections may be of uſe. He, to prove that the Ordination of theſe Deacons was not in the *Chirotonia* of their Diſciples, but in the *Chirotheſia* of the Apoſtles, has theſe Arguments.

THERE be two things diſtinctly ſet down, Election, permitted to the People, and the (κατας-ήσομεν) *conſtituting reſerv'd to the Apoſtles.*

TO which I anſwer, that there were two things ſet down by the *Athenian* Law, Election of the *Theſmothetæ* by the People, and the (κατας-ήσομεν) conſtituting of them by the Senat; yet that the Ordination was in the Power, and that the Power was in the People of *Athens:* he that makes a doubt, is not reſolv'd whether the moſt popular Commonwealth that ever was, were a Democracy.

BUT, ſays he, *this looking out of men*, or chuſing, *was permitted to the multitude by the Apoſtles with theſe three bounds: Firſt, to take ſeven, neither more nor fewer: Secondly, thoſe men generally known and well reputed of: And thirdly, full of the Spirit, and of Diſcretion or parts fit for Government.* To which I anſwer, That the Election of the *Theſmothetæ* was permitted by the Law to the People of *Athens* with theſe three bounds; Firſt to take ſix, neither more nor fewer: Secondly, thoſe generally known and reputed of: Thirdly, in ſuch eſtimation for their honeſty and ability for Government, as in their conſciences (to which alſo they made Oath) they ſhould judg fitteſt for the Commonwealth. Yet is all this ſo far from any proof that *Athens* was no Democracy, or that the Soverain Power, whether in enacting of Laws, or election of Magiſtrats by the Lot or the Suffrage (inſtitutions equally popular) was not in the People, that it amounts to the ſtrongeſt argument that the People were Soverain, and the Commonwealth was Democratical. Could Truth deſire greater advantage than redounds from ſuch oppoſition? We have another example of the ſame Model, in which becauſe it has bin paraphras'd upon already in the Introduction, I ſhall be briefer here. In the Church of *Antioch*, where the Diſciples were now

Acts 13.

now becom ſo numerous, that they began to be call'd Chriſtians, Chap. 5.
there were among them Prophets: ſo being aſſembl'd on occaſion, as I conceive, of giving an extraordinary Commiſſion after the manner of the people of *Athens* when they elected Ambaſſadors, or (that I may avoid ſtrife upon a point ſo indifferent) to chuſe two new Apoſtles, *The Holy Ghoſt ſaid, Separat me* BARNABAS *and* SAUL *for the Work wherto I have appointed them:* that is (for ſo it is render'd by all Interpreters) the Holy Ghoſt ſpake thoſe words by the mouths of the Prophets. Now the Prophets being well known for ſuch, this Suffrage of theirs was no ſooner given, than (as one that can allow Prophets to be leading men may eaſily think) follow'd by all the reſt of the Congregation: So the whole multitude having faſted and pray'd, the moſt eminent among them, or the Senatorian Order in that Church, laid their hands upon PAUL and BARNABAS, who being thus ſent forth by the Holy Ghoſt, departed to *Seleucia*.

TO evade this apparent Election, or *Chirotonia* of the whole Congregation, wherby theſe Apoſtles or Ambaſſadors to the Churches of the *Gentils* were ordain'd, Divines have nothing to ſay, but *that they were elected by the Holy Ghoſt:* As if the *Chirotonia* of the People were more excluſive to election by the Holy Ghoſt, than the *Chirotheſia* of the Ariſtocracy, for which in the mean time they contend. But if neither of theſe were indeed excluſive of the Holy Ghoſt, how is it poſſible in this frame (where tho' of natural neceſſity an Ariſtocracy muſt have bin included, yet the Ariſtocracy is not in the Text ſo much as diſtinguiſh'd from the People, or once nam'd) that the Power, and ſo the Ordination ſhould not have bin in the People? The Council of the Apoſtles, of the Elders, and of the whole Church at *Jeruſalem*, and other Councils, not of Apoſtles, nor of the whole Church, in other times or places, us'd this form in their Acts; *It ſeems good to the Holy Ghoſt, and to us:* But dos this, whether a true or a pretended ſtile, exclude that Act from being an Act of that whole Council? Or how coms it to paſs that becauſe PAUL and BARNABAS were ſeparated by the Holy Ghoſt, they were not ordain'd by the *Chirotonia* of the whole Chriſtian People at *Antioch?* Acts 15. 22.

THE *Chirotheſia* can be no otherwiſe underſtood in nature, nor ever was in the Commonwealth of the *Jews*, than Election by the few: And ſo even under the mere *Chirotheſia*, Ordination and Election were not two, but one and the ſame thing. If MOSES ordain'd JOSHUA his Succeſſor by the *Chirotheſia*, he elected JOSHUA his Succeſſor by the *Chirotheſia*; and for what reaſon muſt it be otherwiſe with the *Chirotonia?* That a Phariſee could do more with one hand, or a pair of hands, than a Chriſtian Church or Congregation can do with all their hands, is a Doctrin very much for the honor of the true Religion, and a ſoverain Maxim of Eccleſiaſtical Policy.

THE third Conſtitution of Church-Government in Scripture (whether conſiſting of Biſhops or Presbyters, between which at this time a man ſhall hardly find a difference) runs wholly upon the Ariſtocracy, without mention of the People, and is therfore compar'd by GROTIUS to the *Sanhedrim* of *Iſrael*, as that came to be in theſe days; from whence Divines alſo generally and truly confeſs that it was taken up: to which I ſhall need to add no more, than that it is an Order for which there is no Precept, either in the Old Teſtament of God, or in the New Teſtament of Chriſt. This therfore thus taken up by the *Third way of Ordination in the Church of Chriſt.* Grot. ad 1 Tim. 4. 14.

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Book II. Apoſtles from the *Jews*, is a clear demonſtration that the Government of the Church, in what purity ſoever of the Times, nay tho' under the inſpection of the Apoſtles themſelves, has bin obnoxious to that of the State wherin it was planted. The *Sanhedrim*, from the inſtitution of the *Chirotheſia*, for a conſtant Order, conſiſted of no other Senators than ſuch only as had bin ordain'd by the Impoſition of Hands; which came now to be confer'd by the Prince, in the preſence, or with the aſſiſtance of the *Sanhedrim*. The ſame Order was obſerv'd by the *Jewiſh* Synagogues, of which each had her Archon; nor would the *Jews* converted to the Chriſtian Faith, relinquiſh the Law of MOSES, wherto this way of Ordination, among other things, tho' erroneouſly, was vulgarly attributed: whence in the Church, where it conſiſted of converted *Jews*, Ordination was confer'd by the Archon, or firſt in order of the Preſbytery, with the aſſiſtance of the reſt. Hence PAUL, in one place, exhorts TIMOTHY thus: *Neglect not the Gift that is in thee, which was given thee by Prophecy, with the laying on of the hands of the Preſbytery.* And in another thus: *Wherfore I put thee in remembrance, that thou ſtir up the Gift of God which is in thee by the putting on of my hands.*

Grot. ad Mat. 19. 13.

1 Tim. 4. 14.

2 Tim. 1. 6.

I GRANT Divines, that Ordination by this time was wholly in the Preſbytery; what ſay they then to the diſtinction of Ordination and Election? Are theſe ſtill two diſtinct things, or may we hence, at leaſt, compute them to be one and the ſame? If they ſay Yes, why then might they not have bin ſo before? If they ſay No, who in this place, but the Preſbytery, elected? Why, ſays Dr. HAMMOND, it is plain that *the Spirit of Prophecy elected.* But to give account of no more than is already perform'd, were the ſpirit of Hiſtory rather than of Prophecy, to which it appertains to tell things before they be don; as did the Prophets now living in this Church, that TIMOTHY ſhould com to be ordain'd: So the place is interpreted by GROTIUS: and how it ſhould be otherwiſe underſtood I cannot ſee. But putting the caſe ſom Act preceded, as SAUL and DAVID were elected Kings by Prophecy; yet did ever man ſay that for this SAUL or DAVID were any whit the leſs elected Kings by the People? To the contrary in every well-order'd Commonwealth (*a Jove principium*) the diſpoſing of the Lot, and of the Suffrage too, has univerſally bin attributed to God.

§. 106.

THE Piety of Divines in perſuading the People that God elects for them, and therfore they need not trouble themſelves to vote, is as if they ſhould perſuade them that God provides their daily Bread, and therfore they need not trouble themſelves to work. To conclude this point with Dr. HAMMOND's own words upon the ſame occaſion; this diſtinction of Ordination and Election is in Divines *the procreative Miſtake, or Ignorance producing all the reſt.*

§. 134.

§. 111.

THE reaſon why PAUL ordain'd now after this manner among the *Jews*, is to me an irrefragable argument that he ordain'd not after this manner among the *Gentils*: for wheras the firſt Ordination in the Chriſtian Church, namely that of MATTHIAS, was perform'd by the *Chirotonia*, which by degrees came now in complacence with the *Jews* to the *Chirotheſia*; it ſeems he was contented not to alter the worſt of political Inſtitutions or Cuſtoms, where he found them confirm'd by long and univerſal Practice: and if ſo, why ſhould any man think that he would go about to alter, or weed out the beſt, where they

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they had taken like root? That this Adminiſtration of the *Jews* was of the very worſt, is clear in the nature of the Politics, there being no example of a pure Ariſtocracy or of a Senat, ſuch as was now the Sanhedrim, without a popular balance, that ever govern'd with Juſtice, or was of any continuance. Nor was the *Chirotheſia*, by which means this work came to effect in *Iſrael*, introduc'd by the prudence of God, but by the corrupt arts of Men. Now that the Governments at the ſame time of the *Gentils*, all balanc'd by the *Chirotonia* of the People, were in their nature more excellent, and indeed more accommodated to antient Prudence, as it was introduc'd by God himſelf in the Commonwealth of *Iſrael*, has bin already ſufficiently prov'd: nevertheleſs, to refreſh your memory with one example more, Chap. 5.

CRETE having bin (as is affirm'd by the Conſent of Authors) the moſt ancient, and the moſt excellent Commonwealth in human Story, was founded by RHADAMANTHUS and MINOS, an Age before the *Trojan* War: Theſe were held to have learnt their Arts by familiar Diſcourſe with JUPITER, and from point to point to have fram'd their Model according to his direction. Nor, tho' all acknowlege MINOS to have bin a King, did he found his Government upon any other than a popular Balance, or a fundamental regard to the Liberty of the People: For *the whole Commonwealth was made up of theſe three parts, the* College, *the* Senat, *and the* People. *The College conſiſted of the annual Magiſtrats call'd the* Coſmi: *theſe had the whole extentive Power, ſom in leading forth the Armies, and others in judging the People; which Functions were accordingly aſſign'd by the Orders to each in particular. That which was common to them all, was to propoſe ſuch things as they had debated or prepar'd in their College or Council, to the Senat. The Senat being elective for life, was the Council, to which appertain'd the Debate of whatever was to be propos'd to the Congregation. The Congregation, or Aſſembly of the People of* Crete, *had not the right of Debate; but in enacting of Laws, and election of Magiſtrats, had the ultimate Reſult of the Commonwealth.* Such was the Copy after which LYCURGUS wrote himſelf ſo famous a Legiſlator. And thus ſtood this Frame to the ſix hundred and eighth year of *Rome*; when this People, having bin too favourable to Pirates then infeſting thoſe Seas, turn'd the Arms of the *Romans* upon themſelves; and by theſe, under the conduct of QUINCTUS METELLUS, thence call'd CRETICUS, *Crete* was made a Province: tho' the chief Cities being firſt freed, it ſhould ſeem (by CICERO's ſecond Oration againſt *Antony*) that the whole Iſland was at length reſtor'd to her ancient Liberty. However by the manner obſerv'd by the *Romans*, as was ſhewn, in Provincial Government, the Cities under their Magiſtrats (who while the Commonwealth was a Province perhaps might have exercis'd the Office of the *Coſmi*) were not yet depriv'd of their Popular Aſſemblies, at leaſt in their diſtinct Cities, electing all Magiſtrates for their (αὐτονομία) peculiar or domeſtic Government. Such was the State of *Crete*, when PAUL having appeal'd from the *Jews* to CÆSAR; and being thereupon conducted by Sea towards *Rome*, touch'd in his way upon this Iſland, where he left TITUS to conſtitute Elders of every City. The word (κατας-ήσης) *conſtitute*, our Divines will have to ſignify *ordain by Impoſition of Hands*, and Impoſition of Hands to ſignify an Act of Power excluding the People. But why PAUL, who among the *Jews* had comply'd with their Cuſtoms, ſhould injoin; or how TITUS, had it bin ſo

Epitome of the Commonwealth of *Crete*.

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Book II. injoin'd, ſhould accompliſh this where the Power was Popular, they have not ſhewn nor conſider'd. To introduce Religion or Government there be but two ways, either by perſuaſion, or by force. To perſuade the people of *Crete*, in whom was the Power, to this new way of Ordination, TITUS muſt have ſpoken to this effect: *Men of* Crete, MINOS *being a King, could not chuſe but have a natural inclination to popular Power; wherfore his pretence that* JUPITER *told him, Power was to be in the People, may be ſuſpected to have bin imagin'd merely for his own ends: or this is a certain ſign that* JUPITER *is no true, but a feign'd God; ſeeing the true God will have it that the People ſhould have no Power at all, but that ſuch, upon whom his Ambaſſadors ſhall confer power, be without all diſpute obey'd. How! are you ſtarting at this! are you ſolicitous for your Commonwealth! It is true, that upon carnal principles or human prudence, without Power in the People there can be no Commonwealth: but* Iſrael *was a Commonwealth without power in the People; where* MOSES *made all the Laws by the power inveſted in him by God, and created all the Magiſtrats, not by popular ſuffrage, but by his* Chirotheſia. *Wherfore, Men of* Crete, *know ye, that on whomſoever I lay my hands, the ſame is in all ſpiritual Affairs, or matters of Church-Government, to be obey'd by you, after the ſame manner that you have hitherto obey'd ſuch Magiſtrats or Prieſts as have bin ordain'd by your own Election, or* Chirotonia. Of what other nature the Arguments of TITUS to the pretended purpoſe could have bin, I am not able to imagine; nor how this ſhould have done leſs than provoke the People to a dangerous jealouſy of ſuch a Doctrine. But Divines, to ſet all ſtreight, think it enough to repeat the words of PAUL to TITUS in *Greec: For this cauſe left I thee in* Crete (ἵνα κατας-ήσης πόλιν πρεσβυτέρους) *that thou ſhouldſt ordain Elders in every City.* It is true that DEMOSTHENES ſpeaks ſomwhat like words concerning the Expedition of PHILIP of *Macedon* in *Peloponneſus* (ἐπειδὴ τυράννους ἐχεῖνος ἐν ταύταις ταις πόλεσι κατέ-ησε) *when he had ordain'd Tyrants in every City:* but then PHILIP had an Army; what Army did PAUL leave with TITUS? Or if he ordain'd his Elders neither of theſe two ways, I ſee no other than that only by the known and legal *Chirotonia* or Suffrage of the People. But if this be clear, the Clergy com from *Crete*, not upon the Wings of TITUS, but of ICARUS, whoſe ambitious Wax is diſſolv'd by the Sun.

Tit. 1. 5.

De Corona.

SO much, I conceive, is now diſcover'd concerning Church-Government, as may ſhew that it was not of one, but of three kinds, each obnoxious to the nature of the Civil Government under which it was planted; in as much as the *Chirotonia*, or Ballot of *Iſrael*, being firſt introduc'd pure, and without any mixture, as at the Ordination of MATTHIAS, came afterwards to receive ſome mixture of the *Chirotheſia*, as in the Ordination of STEPHEN; and laſt of all by excluding the People, to degenerat wholly into the *Chirotheſia* of the Preſbytery, as in the Ordination of TIMOTHY: all this by the teſtimony of Scripture, and in the pureſt times, even the age of the Apoſtles. Whence my Undertaking, to ſhew that as CHRIST intended his Doctrin ſhould be *preach'd to all Nations*, ſo he intended his Diſciplin ſhould be ſuch as might ſute with any Government (as indeed, if the choice of any of theſe three be lawful, it dos exactly) is, I hope, perform'd. For where the Government is Popular, it is the ſame with the firſt; where it is Ariſtocratical or Monarchical, it agrees with the laſt; and where it is mix'd, it is between both, and reſponſible to the

ſecond.

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ſecond. Of theſe three in the farther exerciſe of their natural and intended compliance with Human Prudence, it may be convenient to give ſome fuller Exemplification. Chap. 5.

THAT any other Ordination than that of the firſt kind for the original Authority or Practice of it, whether in the Commonwealth of *Iſrael* or in the Church of Chriſt, and indeed for the Prerogative of the ſame in nature, ſhould have bin introduc'd by the Apoſtles, where it might, much leſs where the nature of the civil Policy would admit of no other, is neither probable by Scripture nor Reaſon; whence it is that in the Citys of *Lycaonia* and *Piſidia*, the Government of theſe being then Popular, we do not find any mention at all of the *Chirotheſia*, the Apoſtles in theſe places (χειροτονήσαντες πρεσβυτέρους κατ' ἐκκλησίαν) *chirotonizing Elders in every Congregation.*

TO evade this place, our Adverſarys turn tail to the things, and make their whole flight at the words. In taking one of them into the Diſputation, I ſhall take in all, for they run all upon the ſame Quotations, or with little addition.

THAT the word chirotonizing, ſays Dr. HAMMOND, *in this place ſignifies no more than ordaining by the Impoſition of Hands, is not ſo generally acknowleg'd by late Writers, but that it may be uſeful to give ſom few Teſtimonies out of thoſe Writers which were neareſt the times of the Scripture. Thus* PHILO JUDÆUS *of* JOSEPH (βασιλέως ὕπαρχος ἐχειροτονεῖτο) *he was ordain'd Governor of all* Egypt *under the King. So again of* MOSES (ἡγεμών ἐχειροτονεῖτο) *he was conſtituted their Ruler. So of* AARON'S *Sons* (ἱερεῖς ἐχειροτόνει) *God conſtituted them Prieſts.* ALEXANDER *Son of* ANTIOCHUS EPIPHANES *writes to* JONATHAN (χειροτονῶ μέν σε ἀρχιερέα) *We (in the regal ſtile) conſtitute thee High Prieſt.* LUCIAN *ſays of* HEPHESTION (Θεὸν χειροτονῆσαι τὸν τετελευτηκότα) *that* ALEXANDER *made him a God when he was dead.* APPIAN (which is added out of GROTIUS, whence moſt of the reſt is taken) to ſignify Election of Magiſtrats made by the *Roman* Emperors, uſes no other word; and later Writers ſpeak of ſom that were chirotoniz'd Emperors by their Fathers. *For the uſe of the word among Chriſtian Writers, take one place in the Author of the Conſtitutions for many*; CLEMENT *after the death of* LINUS (κεχειροτόνηται) *was ordain'd Biſhop of* Rome *by* PETER. *But what need any more?* CHRIST'S *Diſciples are ſaid* (προκεχειροτονημένοι ὑπὸ τοῦ Θεοῦ) *deſign'd or foreconſtituted by God the witneſſes of his Reſurrection:* by all which that of PAUL and BARNABAS (χειροτονήσαντες πρεσβυτέρους κατ' ἐκκλησίαν) is but conſtituting or creating Elders in every Church. *Wherefore they that have look'd ſo far back to the Original, as to think it neceſſary to render the word create by Suffrages, are ſure guilty of a very impertinent nicety.* I promiſe you had this bin againſt one of our Doctors, it might have bin a rude Charge; but it is only againſt ERASMUS, BEZA, DIODATI, and ſuch as took upon them to tranſlate the *Switz, French, Italian, Belgic*, and (till the Epiſcopal correction) the *Engliſh* Bibles. And what apparent cauſe is there of ſuch confidence? What neceſſity is there even in the places alleg'd why the word *Chirotonia* ſhould be underſtood in the ſenſe impos'd? The People of *Egypt*, till having ſold their Lands they came to loſe their popular Balance, were not Servants to PHARAOH; wherfore when JOSEPH was made Governor over all *Egypt* they were free: §. 3. Joſeph. An. L. 13. c. 5. L. 7. c. 45. Acts 10. 41.

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Book II. now that a King ſhould make a Governor of a free People without their conſent, or ſome advice as we ſay of his Parlament, is altogether improbable, the rather becauſe a Protector, in the abſence or minority of the King, has bin no otherwiſe made in *England*, nor pretends the preſent Protector to any other title than the like *Chirotonia*. But that MOSES is ſaid by the ſame Author (who affirm'd that he introduc'd the *Chirotonia* in *Iſrael*) to have bin chirotoniz'd Ruler of the People, can in my judgment be no otherwiſe than originally and literally taken, ſeeing God himſelf was no otherwiſe made King in *Iſrael* than by the Suffrage of the People. That the like muſt be underſtood of the Sons of AARON has been already ſhewn. The Doctor is the firſt has told me, that the plural number for the Royal Stile is ſo ancient as EPIPHANES: Sure I am it was not deriv'd from his *Macedonian* Predeceſſors, for in the Letters to the *Athenians* and the *Thebans* recited by DEMOSTHENES, PHILIP of *Macedon* writes in the ſingular number. But the Letters of EPIPHANES to JONATHAN muſt it ſeems import that he at ſingle hand (tho' the words carry double) had chirotoniz'd a High Prieſt of the *Jews*: Who can help it? Some Princes have not only given out that their Prieſts have been chirotoniz'd when they were not, but that themſelves have bin chirotoniz'd when there was no ſuch matter. When a Prince ſays that he was chirotoniz'd or elected by the People, to talk of Rhetoric is to have none. Divines in this caſe commonly underſtand it to be proper, or literally meant; for to impoſe a new ſenſe is to ſpoil the word; and ſpoil the word, ſpoil the Prince. LUCIAN is a Drol, and intends a Jeſt, but not ſo good a one, as that he of all others ſhould come neareſt to help up with a Hierarchy. For the *Chirotonia*, or Election of the *Roman* Magiſtrats by the Suffrage of the People or of the Army, every man knows that it is literal: SUIDAS himſelf interpreting the word by this very example; where he affirms it to ſignify Election or Ratification by the Many. The Quotation out of the Conſtitutions, with thoſe of Biſhop BILSON, and others out of the *Greek* Fathers, and out of Councils, do not only imply the word *Chirotonia*, but the thing, while they all relate to that kind of Ordination, which being in thoſe Churches yet adminiſter'd as at the Ordination of STEPHEN, was not conferr'd without the conſent of the People. But it is above all, that labouring to prove the *Chirotonia* and the *Chirotheſia* to be the ſame thing, they ſhould rely moſt upon the place where the Apoſtles are ſaid (προκεχειροτονημένοι ὑπὸ τοῦ Θεοῦ) to have bin forechirotoniz'd by God; as if it were clear in this, that God ordain'd the Apoſtles by the laying on of Hands, for ſo it muſt be underſtood, or it makes no more for them than for us. Or if they mean it only to ſhew that the word *Chirotonia* or Suffrage is us'd for ſome Ordination that cannot be taken in our ſenſe; ſo the word *Chirotheſia* (ἐπιθεσις χειρῶν) or laying on of Hands, where ANANIAS being neither Biſhop nor Preſbyter, but only a Diſciple, that is, a Chriſtian, lays his hands upon PAUL, is us'd for ſome Ordination that cannot be taken in their ſenſe; or a man not ordain'd may ordain as well as they: for to ſay that the Call was extraordinary, where the like is, or is pretended, will avail little. But there is no need that we ſhould go ſo near the wind; wherfore to give them all theſe Places in their own ſenſe, even till we come to the Cities in queſtion. What word in any Language is not ſomtimes, nay frequently, us'd in ſome other than the proper

De Cor.

proper ſenſe? With what elegance, if this be forbidden, can any man write or ſpeak? Is a word like a Woman that being taken with a Metaphor, it can never be reſtor'd to the Original Virtue? If *Chirotonia* has, as Divines pretend, loſt all other but their ſignification, how ſhall we underſtand it in *Iſaiah*, or where PAUL ſpeaks it of the Brother (χειροτονηθέντα ὑπὸ τῶν ἐκκλησιῶν) *chirotoniz'd*, or *choſen by the Churches?* Certainly in this one place at leaſt it is of our ſenſe, and in the word προκεχειροτονημένοι it is but once yet in all the New Teſtament of any other; ſo that if we gain the place in controverſy, we have it twice of our ſenſe in Scripture for once not in theirs, but in any other: and in human Authors, they will not ſo much as pretend to have it once for them for a hundred times for us; which is pretty well for the vindication of the property of one word, and ſomwhat more perhaps than can be don for another. But in the ſenſe of words that are ſomtimes properly and ſomtimes improperly taken, may we admit of the things wherof they are ſpoken for Interpreters? Or if Lillys and Roſes have bin almoſt as often ſaid of Ladys Cheeks, muſt we underſtand them no otherwiſe when we are ſpeaking of Gardens? Chap. 5. 2 Cor. 8. 19.

YES, ſays Dr. HAMMOND, and therfore to ſay of the Apoſtles PAUL and BARNABAS, *that they created Elders by their own Suffrages, is no more than to ſay that they jointly did create, and indeed being but two, there could be no place for Suffrages; and to affirm they did it by the Suffrages of others, is not agreeable to the pretended uſe of the word; for where it is us'd of chuſing by Suffrages, as when the People are ſaid to chirotonize, it is certain that their own, and not others Suffrages are meant by it.*

IT were hardly poſſible to have contriv'd a greater number of Affirmations in ſo ſmall a compaſs, nor to have gone farther in them from all truth. Phraſes, as words, are to be underſtood according to the Rule and Law of Speech, which is Uſe: and thus that the Apoſtles created Elders by their own Suffrages, is not ſaid; that they did it by the Suffrage of others, is neceſſarily imply'd; as alſo that the People are underſtood to chirotonize as well when it is ſaid of the Preſidents of their Aſſemblys, as of themſelves. His own words to Mr. *Hobbs.* §. 118.

Diruit, ædificat, mutat quadrata rotundis.

WHEN a man is ſaid to build a Houſe, or marry a Daughter, he is not underſtood to be the Maſon, or the Bridegroom: but the Apoſtles built Churches in theſe Citys; therfore the People were not the Maſons. The Apoſtles marry'd CHRIST to theſe Nations; therfore the People gave not their conſent or ſuffrage; what a Conſtruction were this in ordinary diſcourſe or writing, and yet in the Language, as I may ſay, of a Commonwealth the Phraſe is more uſual. How often dos DEMOSTHENES ſpeak of his Laws *(ſee my Pſephiſma, peruſe my Law)* and thoſe of other privat men? after which Copy the *Parté*, or Laws in the Commonwealth of *Venice*, are call'd by the names of the Propoſers as were thoſe of *Rome*, *Rupilia*, *Cornelia*, *Trebonia*; in which manner we have POYNING's Law, and ſom Statutes bearing no other Stile than *Enacted by the King's moſt Excellent Majeſty*, which nevertheleſs are known to have bin all enacted by the Parlament. Thus the Laws of MOSES, RHADAMANTHUS, MINOS, De Coron.

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Book II. MINOS, LYCURGUS, SOLON, ROMULUS, King EDWARD, were *(leges & conſuetudines quas vulgus elegerit)* ſuch as the People had confirm'd or choſen by their *Chirotonia*. But they may ſay, granting you this uſe of ſpeech in relation to Laws, what have you of this kind for Elections? The exception is nice, but to leave none:

THE High Sherifs in *England* propoſing to their Countys the Names of ſuch as ſtand, are ſaid to elect Parlament-men. They that thus propoſe Competitors to the great Council in *Venice* are call'd Electors, and ſaid to elect the Magiſtrats. The *Proedri*, certain Magiſtrats to whom it belong'd to put the Queſtion in the Repreſentative of the People of *Athens*, conſiſting of one thouſand, were ſaid (διαχειροτονίαν ποιεῖν) to give or make the Suffrage. The *Theſmothetæ*, who were Preſidents at the creation of Magiſtrats were ſaid (στρατηγὸς χειροτονεῖν) to chirotonize the Generals. JOSEPHUS renders thoſe words of God to SAMUEL, *Hearken to the Voice of the People* (κελεύω δή σε χειροτονεῖν αὐτοῖς βασιλέα) *I command thee to chirotonize them a King*; which Author vindicating LUKE for his underſtanding both of the *Grecian* Cuſtoms, and property of Speech, at each of which he was expert, com up to the full and genuin interpretation of the place in controverſy, where PAUL and BARNABAS (χειροτονήσαντες αὐτοῖς πρεσβυτέρους κατ' ἐκκλησίαν) *chirotonizing them Elders in every Congregation*, can be no otherwiſe underſtood than that they here, as MOSES at the inſtitution of the Sanhedrim, SAMUEL at the Election of the King, the *Proedri* at the paſſing of Laws, the *Theſmothetæ* at the creation of Magiſtrats, the Electors in the great Council of *Venice*, and the High Sherifs in the Countys of *England*, were no more than Preſidents of that *Chirotonia*, which was given or made by the Suffrage of the People.

Demoſt cont. Timocrat.

Pol. l. 8. c. 8.

Ant. l. 6. c. 4.

WHERFORE the *Greec* is thus render'd by theſe ſeveral Tranſlations of the Bible.

That of *Zurich*,

WHEN they had created them Elders by Suffrages in every Congregation.

That of *Beza*,

WHEN they had created them Elders by Suffrages in every Congregation.

The *French*,

WHEN by the advice of the Aſſemblys they had eſtabliſh'd Elders.

The *Italian*,

WHEN by the advice of the Congregation they had conſtituted them Elders.

That of *Diodati*,

WHEN they had ordain'd them in every Church by the common votes of the Elders.

That appointed by the Synod of *Dort*,

WHEN in each Church, by the holding up of Hands, they had elected Preſbyters.

That us'd in *England* from the time of the Reformation till the Epiſcopal correction of the ſame,

WHEN they had ordain'd them Elders by Election in every Congregation.

INDEED

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INDEED the circumſtance of the Place forbids any other conſtruction of the words; for if the Suffrage or *Chirotonia* (which were ſcarce ſenſe) related to the Apoſtles only, what needed they have don that in every Congregation or Church, which they might have don in any Chamber or Cloſet? The circumſtance of the Action forbids any other conſtruction; for the People were aſſembl'd upon occaſion of Election or Creation of Officers, which thing dos not uſe to be don in Aſſemblys gather'd for Divine Service: beſides, theſe Congregations were not always of one mind, but ſomtimes for ſacrificing to the Apoſtles, ſomtimes for ſtoning them, which are Acts of Power; wherfore they were Political Aſſemblys. Now theſe conſiſting alſo of a People, that had in their Citys (*quandam* αὐτονομίαν) the government of themſelves, hence ariſes the ſtrongeſt circumſtance of all, forbidding any interpretation of the Text that might exclude them from election of their own Magiſtrats, Prieſts, or Eccleſiaſtical Elders, ſuch as had bin the *Aſiarchs*, tho' Heathen Prelats, yet remember'd by the Scripture as affectionat Friends to PAUL; or ſuch as were thoſe, tho' to a better end, now ordain'd by the Apoſtles. Wherfore GROTIUS, notwithſtanding all the arts he uſes in other places to avoid this ſenſe, giving this note upon the Text, yields, *Tho chirotonizing may be ſaid of any Election made by one, or by the few; yet to the Election in this place it is probable that the conſent of the People was given, no leſs being imply'd in the beginning of the Chapter, where the Multitude believ'd, where they were ſtir'd up, where they were evil affected, and where part held with the* Jews, *and part with the Apoſtles:* Which ſhews that the People were active in the buſineſs. But ſays Dr. SEAMAN, *There is difference between the Conſent of the People, and the Power of the People:* which is not to underſtand the caſe in controverſy, nor to take notice that the People wherof we are ſpeaking were under Popular Government; for wherever the People are under Popular Government, between that which is don *by their conſent*, and that which is don *(juſſu populi) by their power*, there is no difference. How ſhould the People give their conſent, but by their Suffrage? or what difference, where they have Power, can there be between the Suffrage, and the Power of the People.

Chap. 5. Acts 19. 31.

Dr. *HAMMOND* upon this point is far more quaint: where the Scripture ſays, that the *Multitude were evil affected*, and where *part held with the* Jews, *and part with the Apoſtles*, he thinks it e'en like enough: But where it is ſaid that *a great Multitude of the* Jews, *and alſo of the* Greecs *believ'd*, he ſeems to have no opinion of it: for, ſays he, *It is evident that Believers were at firſt but few in every Town or City; they were not whole Corporations at once converted, nor conſequently could they act in a common capacity: but as* CLEMENS ROMANUS *ſays, they that were by the Apoſtles conſtituted Biſhops and Deacons in ſeveral Citys and Regions, were conſtituted over thoſe that ſhould after believe, there were oft ſo few at the preſent. And then, as faſt as any did com into the Faith, they readily ſubmitted themſelves to thoſe by and under whom they did com in, and were not at all troubled* (honeſt men) *with the conſultation or deliberation about the way of electing their Teachers and Guides.* §. 134.

COM away, to leave the Scripture a while, and follow CLEMENS; be it ſo for diſcourſe ſake, that in thoſe days there was no where any ſuch thing as *a great Multitude believing*, much leſs *whole States or*

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Book II. *Commonwealths at once converted*, wherby they might ſtill *act in a common capacity*, but only ſom privat or gather'd Congregations or Churches; and that in ſuch it was the Apoſtles PAUL and BARNABAS chirotoniz'd: yet theſe, as they were found, or as afterwards they came to be made, muſt of neceſſity have bin Corporations; for what can a number of Men coming into a Society regulated by certain Laws, Conſtitutions, or Form, be but a Corporation? Som Eccleſiaſtical Policy or Diſciplin they muſt have had; and that probably, ſeeing the greateſt Legiſlators, even MOSES himſelf, have written after Copys, according to ſom Pattern: what was this Pattern, and whence came it?

§. 125. WHY, ſays he, not from their *Heathen Cuſtoms*, *but from the Metropolis*; *for it muſt be remember'd*, *that wherſoever the Goſpel was preach'd*

§. 135. *it came originally from* Jeruſalem; *and then*, *as* AGRIPPA *in* PHILO *ſays of that City*, *it was the Metropolis*, *not only of* Judea, *but many other Regions*, *becauſe of the Colonys thence ſent into* Egypt, Phenice, *and both the* Syria's; *nay*, *to* Pamphylia, Cilicia, *and a great part of* Aſia, *as far as* Bithynia, *and* Pontus. *So in reaſon the Churches in* Lyſtra, Iconium, *and* Antioch, *where* PAUL *and* BARNABAS *ordain'd Elders*, *were to follow the pattern at* Jeruſalem; *and there*, *we know*, *it was not by the Suffrage of the People*, *that an Elder was aſſum'd into the Sanhedrim*, *but the Prince or Head of the Sanhedrim receiv'd him in by Impoſition of Hands. It will be much more reaſonable to reduce the circumſtances of ordaining Elders from the Cuſtoms familiar to them that preach'd the Faith to them*, *than from the former uſages of them to whom it was preach'd*, *who were not to diſpute*, *but to believe*, *and receive the Inſtitutions as well as Doctrins which were brought them.*

THESE, methinks, are ſtrange Arguments: The Goſpel came to us from *Rome*, is *Rome* therfore the Metropolis of *England?* It is

Philo de legatione ad Caium. true AGRIPPA being a *Jew*, and writing to CALIGULA in the behalf of the *Jews*, not of the Chriſtians, tells him, *That* Jeruſalem *is the Metropolis of the* Jews, *and of all their colonys*; ſo is *London* of the *Engliſh*, and of all their Colonys: but dos it follow from hence that either *Jeruſalem* or *London* is the Metropolis of Chriſtendom? *But the* Jews *had many Colonys in* Aſia; *and therfore the Churches of* Lyſtra, Iconium, *and* Antioch *were to follow the pattern at* Jeruſalem. The *Jews* indeed had Synagogs in *Iconium* and *Lyſtra*, as the *French* have Churches in *England*; but is this a good argument, The *French* have Churches in *England*, therfore the *Engliſh* are to follow the Orders of the *French* Church? The *Jews* withſtood the Goſpel at *Iconium*; for,

Acts 14. 4. ſays the Text, *the multitude of the City was divided*, *and part held with the* Jews, *and part with the Apoſtles:* therfore the believing *Iconians* muſt have aknowleg'd *Jeruſalem* to be their Metropolis, and were to follow the pattern of that City: And what was that? Why *there we know it was not by the Suffrages of the People that an Elder was aſſum'd into the Sanhedrim*, *but the Prince or Head of the Sanhedrim receiv'd him in by Impoſition of Hands.* The Government of the *Iconians* was Popular, that of the *Jews* was Ariſtocratical; therfore the *Iconians* receiving the Chriſtian Faith, were bound to change their Democracy into Ariſtocracy. The Apoſtles, to comply with an Oligarchy, had alter'd that Ordination, which originally (as at the Election of MATTHIAS) was popular, to Ariſtocracy; therfore being now to plant the Goſpel in a free State, they might not alter it from Ariſtocracy to Democracy: To pleaſe the *Jews* they might change for the worſe;

therfore

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therfore to pleaſe the *Iconians* they might not change for the better, Chap. 5.
but muſt tell the People plainly, *That they were not to diſpute, but to believe, and receive the Inſtitutions as well as Doctrins that were brought them* from the Metropolis. How would this ſound to a People that underſtood themſelves?

Sic volo, ſic jubeo, ſtat pro ratione voluntas.

THE right temper of a Metropolitan, to whom Popular Power is a Heathen Cuſtom, and with whom nothing will agree but Princeing of it in the Senat: But with the Apoſtles it was otherwiſe, who making no words of the *Chirotheſia* where it was needleſs, were glad of this occaſion to chirotonize, or elect *them Elders in every Congregation* by Popular Suffrage. But this they will ſay, is not to come off from the haunt, but to run ſtill upon the People in a common or public capacity. Tho' the Scripture ſpeaks of great Multitudes believing, believe it there is no ſuch thing: CLEMENS ſays they were very few, *their Aſſemblys privat, and very ſcanty things.* As privat as they were by the judgment of Divines, they were, it ſeems, to receive from their Pattern (if that were the Sanhedrim) a Form that was public enough; and why might not they have receiv'd this from that public Form wherto they were accuſtom'd, rather than from a foren Policy, and one contrary to their Cuſtoms? Why ſhould they ſuffer ſuch Power in new and privat, as they would not indure in their old and public Magiſtrats? Or, if they receiv'd the Scriptures, why ſhould they chuſe that Ordination which would fit them worſt, rather than that which would fit them beſt, that of TIMOTHY rather than that of MATTHIAS? Or, let their Aſſemblys have bin never ſo privat or ſcanty, yet if the Apoſtles *chirotoniz'd them Elders in every Congregation*, is it not demonſtrable that they did receive that of MATTHIAS, and not that of TIMOTHY.

THUS much for the Propagation of the pure, or firſt kind of Eccleſiaſtical Policy to the Citys of *Lycaonia*. The mix'd or ſecond kind into which (the Chriſtan Preſbytery delighting to follow the ſteps of the *Jewiſh*) the former might ſoon degenerat, continu'd in the primitive Church, to ſpeak with the leaſt (for WALLEUS brings it down to CHARLES the Great) three hundred years after CHRIST: which aſſertion in Mr. HOBBS, prov'd out of AMMIANUS MARCELLINUS, Dr. HAMMOND has either willingly overſeen, or includes in this Anſwer, it is *moſt viſibly void of all appearance of Truth.* §. 138.
Wherfore to the Quotation mention'd I ſhall add the words of PLATINA: DAMASUS *the ſecond, by Nation a* Bavarian, *ſirnam'd* BAGNIARIUS, *or as ſom will* POPO, *poſſeſs'd himſelf of the Papacy by force, and without conſent of the Clergy and of the People.* Now what can be clearer than that by this place the Clergy and the People had hitherto a right to elect the Pope? The Doctor coms near the word of defiance to Mr. HOBBS, in a matter of fact ſo apparent to any judgment, that I need not add what gos before in the Life of CLEMENT the ſecond; where the *Emperor engages the People of* Rome *not to meddle with the Election of the Pope without his expreſs Command:* Nor what follows after in LEO the Ninth, *where the whole power of Election was now confer'd by the Emperor upon the Clergy.* Again, VICTOR *the Second*, ſays the ſame *Author, obtain'd the Papacy rather by favor of the Emperor, than by free Suffrages of the Clergy and the People of* Rome, *who apprehended the power of the Emperor, whoſe diſpleaſure they had ſomtime incurr'd by creating Popes.* So then the People, it is clear, had hitherto

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Book II. created the Popes. The power of Election thus in the whole Clergy came afterwards, as at this day, to be reſtrain'd to the Cardinals only; and ſo to devolve into the third kind of Ordination exactly correſpondent to the Sanhedrim, and their *Chirotheſia*, as it was exercis'd among the converted *Jews*, when TIMOTHY was ordain'd *by the laying on of the Hands of the Preſbytery.*

NOW this is that with which, of all others, Divines are ſo inamor'd, that they will not indure it ſhould be ſaid there is any other: It is alſo propitious above all the reſt to Monarchy, as that which according to the inherent nature or impotence of Oligarchy, muſt have a Prince at home or abroad to reſt upon, or becom the inevitable Prey of the People. Herein lys the *Arcanum* or Secret of that Antipathy which is between a Clergy and a Popular Government, and of that Sympathy which is between the Miter and the Crown. A Prince receiving a Clergy with the Monopoly of their *Chirotheſia*, has no more to do than to make a Metropolitan, by whom he governs them, and by them the People, eſpecially if he indows them with good Revenues; for ſo they becom an Eſtate of his Realm, and a more ſteddy Pillar of his Throne than his Nobility themſelves, who as their dependence is not ſo ſtrong, are of a more ſtirring nature. This is the *Gothic* Model, from which we had our Pattern, and in which *No Biſhop, no King.*

THUS for the dignity of Eccleſiaſtical Policy, whether in Scripture or Human Prudence, Popular Government you ſee is naturally inclin'd to the very beſt, and the ſpiritual Ariſtocracy to the very worſt. It is alſo remarkable that the Political Balance extends itſelf to the deciſion of the queſtion about Ordination: For as a People never offer'd to diſpute with a well-balanc'd Clergy, ſo a Clergy diſmounted never gain'd any thing by diſputing with the People. As to the queſtion of Empire or Government (*I propheti diſarmati Rovivano*) the Apoſtles *became all things to all.*

His own words to Mr. *Hobbs.* §. 122.

THUS beyond all meaſure improſperous are this Divine's *Undertakings* againſt Mr. HOBBS, and the *Undertakings* of Divines *upon this Subject.*

Advertiſement to the Reader, or Direction to the Anſwerer.

THE Anſwer of this Book muſt ly in proving that the Apoſtles at the ſeveral times and places mention'd, introduc'd but one way of Ordination, and that the ſame to which Divines now pretend: or if the Apoſtles divided, that is to ſay, introduc'd divers ways of Ordination, then the People, or Magiſtrat may chuſe.

I HAVE taken the more leiſure and pains to ſtate, I think, all the Caſes of Controverſy that can ariſe out of the Commonwealth of *Oceana*, as you have ſeen in theſe two Books, to the end I may be no more oblig'd to write, and yet not omit writing on any occaſion that ſhall be offer'd; for if my Principles be overthrown (which when I ſee, I ſhall moſt ingenuouſly confeſs with thanks to the Author) ſuch an acknowlegement will ly in a little room; and this failing, I am deceiv'd if I ſhall not now be able to ſhew any Writer againſt me that his Anſwer is none, within the compaſs of three or four ſheets.

THIS alſo will be the fitteſt way for Boys-play, with which I am ſure enough to be entertain'd by the quibling Univerſity-men; I mean a certain Gang of 'em, who having publicly vanted that they would bring 40 examples againſt the Balance, and ſince laid their Caps together about it, have not produc'd one. Theſe vants of theirs offering prejudice to truth and good Principles, were the cauſe why they were indeed preſs'd to ſhew ſom of their ſkill; not that they were thought fit Judges of theſe things, but firſt that they had declar'd themſelves ſo, and next that they may know they are not.

An

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An Anſwer to three Objections *againſt Popular Government, that were given me after theſe two Books were printed.*

MONARCHICAL *Government is more natural, becauſe we ſee even in Commonwealths that they have recourſe to this, as* Lacedemon *in her Kings*; Rome *both in her Conſuls and Dictators*; *and* Venice *in her Dukes.* Object. 1.

GOVERNMENT, whether Popular or Monarchical, is equally artificial; wherfore to know which is more natural, we muſt conſider what piece of Art coms neareſt to Nature: as for example, whether a Ship or a Houſe be the more natural; and then it will be eaſy to reſolve that a Ship is the more natural at Sea, and a Houſe at Land. In like manner where one man or a few men are the Landlords, a Monarchy muſt doubtleſs be the more natural; and where the whole People are the Landlords, a Commonwealth: for how can we underſtand that it ſhould be natural to a People, that can live of themſelves, to give away the means of their livelihood to one or a few men that they may ſerve or obey? Each Government is equally artificial in effect, or in it ſelf; and equally natural in the cauſe, or the matter upon which it is founded. *Anſwer.*

A COMMONWEALTH conſiſts of the Senat propoſing, the People reſolving, and the Magiſtracy executing; ſo the Power of the Magiſtrats (whether Kings as in *Lacedemon*, Conſuls as in *Rome*, or Dukes as in *Venice*) is but barely executive: but to a Monarch belongs both the Reſult, and Execution too; wherfore that there have bin Dukes, Conſuls, or Kings in Commonwealths (which were quite of another nature) is no Argument that Monarchical Government is for this cauſe the more natural.

AND if a man ſhall inſtance in a mix'd Government, as King and Parlament; to ſay, that the King in this was more natural than the Parlament, muſt be a ſtrange Affirmation.

TO argue from the *Roman* Dictator (an Imperfection which ruin'd that Commonwealth, and was not to be found in any other) that all Commonwealths have had the like recourſe in exigences to the like remedy, is quite contrary to the univerſal Teſtimony of Prudence or Story.

A MAN who conſiders that the Commonwealth of *Venice* has ſtood one thouſand years (which never any Monarchy did) and yet ſhall affirm that Monarchical Government is more natural than Popular, muſt affirm that a thing which is leſs natural may be more durable and permanent than a thing that is more natural.

WHETHER is a Government of Laws leſs natural than a Government of Men; or is it more natural to a Prince to govern by Laws or by Will? Compare the Violences and bloody Rapes perpetually made upon the Crown, or Royal dignity in the Monarchys of the *Hebrews* and the *Romans*, with the State of the Government under

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Book II. under either Commonwealth, and tell me which was leſs violent, or whether that which is more violent muſt therfore be more natural.

Object. 2. *THE Government of Heaven is a Monarchy, ſo is the Government of Hell.*

Anſwer. *IN this*, ſays MACHIAVEL, *Princes loſe themſelves and their Empire, that they neither know how to be perfectly good, nor intirely wicked.* He might as well have ſaid, that a Prince is always ſubject to Error and Miſgovernment, becauſe he is a Man, and not a God, nor a Devil. A Shepherd to his Flock, a Plowman to his Team, is a better Nature; and ſo not only an abſolute Prince, but as it were a God. The Government of a better or of a ſuperior Nature, is to a worſe or inferior as the Government of God. The Creator is another and a better Nature than the Creature; the Government in Heaven is of the Creator over his Creatures, that have their whole dependence upon him, and ſubſiſtence in him. Where the Prince or the Few have the whole Lands, there is ſomwhat of dependence reſembling this; ſo the Government there muſt of neceſſity be Monarchical or Ariſtocratical: But where the People have no ſuch dependence, the cauſes of that Government which is in Heaven are not in Earth; for neither is the Prince a diſtinct or better Nature than the People, nor have they their ſubſiſtence in him, and therfore there can be no ſuch effect. If a Man were good as God, there is no queſtion but he would be not only a Prince but a God; would govern by Love, and be not only obey'd but worſhip'd: or if he were ill as the Devil, and had as much power to do miſchief, he would be dreaded as much, and ſo govern by Fear. To which latter, the Nature of man has ſo much nearer approaches, that tho we never ſaw upon Earth a Monarchy like that of Heaven, yet it is certain the perfection of the *Turkiſh* Policy lys in this, that it coms neareſt to that of Hell.

Object. 3. *GOD inſtituted a Monarchy, namely in* MELCHIZEDEC, *before he inſtituted a Commonwealth.*

Anſwer. IF MELCHIZEDEC was a King, ſo was ABRAHAM too; tho' one that paid him Tithes, or was his Subject: for ABRAHAM made War, or had the power of the Sword, as the reſt of the Fathers of Familys he fought againſt. So if CANAAN was a Monarchy in thoſe days, it was ſuch a one as *Germany* is in theſe; where the Princes alſo have as much the right of the Sword as the Emperor, which coms rather (as has bin ſhewn already) to a Commonwealth. But whether it were a Monarchy or a Commonwealth, we may ſee by the preſent ſtate of *Germany* that it was of no very good Example; nor was MELCHIZEDEC otherwiſe made a King by God than the Emperor, that is, as an Ordinance of Man.

THE

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THE

ART

OF

LAWGIVING:

In Three BOOKS.

The firſt, ſhewing the Foundations and Superſtructures of all kinds of Government.

The Second, ſhewing the Frames of the Commonwealths of *Iſrael*, and of the *Jews*.

The Third, ſhewing a Model fitted to the preſent State, or Balance of this Nation.

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The Order of the Work.

The First Book.

THE Preface, *considering the Principles, or Nature of Family Governments.*
CHAP. I. *Considering the Principles, or Balance of National Governments: with the different kinds of the same.*
CHAP. II. *Shewing the variation of the* Engliſh *Balance.*
CHAP. III. *Of the fixation of the Balance, or of* Agrarian *Laws.*
CHAP. IV. *Shewing the Superſtructures of Governments.*
THE Concluſion, *obſerving that the Principles of Human Prudence being good without proof out of Scripture, are nevertheleſs ſuch as are provable out of Scripture.*

The Second Book.

THE Preface, *ſhewing that there were Commonwealths before that of* Iſrael.
CHAP. I. *Shewing that* Iſrael *was a Commonwealth.*
CHAP. II. *Shewing what Commonwealth* Iſrael *was.*
CHAP. III. *Shewing the Anarchy, or ſtate of the* Iſraelits *under their Judges.*
CHAP. IV. *Shewing the ſtate of the* Iſraelits *under their Kings to the Captivity.*
CHAP. V. *Shewing the State of the* Jews *in Captivity, and after their return from Captivity; or the frame of the* Jewiſh *Commonwealth: and in that the Original of Ordination.*
CHAP. VI. *Shewing how Ordination was brought into the Chriſtian Church, and the divers ways of the ſame at divers times in uſe with the Apoſtles.*
THE Concluſion, *Shewing that neither God, nor Chriſt, or the Apoſtles ever inſtituted any Government Eccleſiaſtical or Civil, upon any other Principles than thoſe only of Human Prudence.*

The Third Book.

THE Preface, *containing a Model of Popular Government, propos'd notionally.*
CHAP. I. *Containing the Civil part of the Model, propos'd practicably.*
CHAP. II. *Containing the Religious part of the Model, propos'd practicably.*
CHAP. III. *Containing the Military part of the Model, propos'd practicably.*
CHAP. IV. *Containing the Provincial part of the Model, propos'd practicably.*
THE Concluſion, *Shewing how the Model may be prov'd or examin'd; and giving a brief Anſwer to Mr.* WREN's *laſt Book, intitul'd,* Monarchy aſſerted, *&c.*

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THE FIRST BOOK, SHEWING THE FOUNDATIONS AND SUPERSTRUCTURES Of all kinds of GOVERNMENT.

If this Age fails me, the next will do me Juſtice.

The PREFACE,

Conſidering the Principles or Nature of Family Government.

DIVINES, and the like ſtudious Aſſertors of Monarchy, have not laid their Principles ſo fairly, while they have conceal'd one part from the right of Paternity, or from the Government of Familys, which may be of two kinds; wheras they have taken notice but of one: For Family Government may be as neceſſarily Popular in ſom caſes, as Monarchical in others.

TO ſhew now the nature of the Monarchical Family. Put the caſe a man has one thouſand Pounds a year, or therabouts; he marrys a Wife, has Children and Servants depending upon him (at his good will) in the diſtribution of his Eſtate for their livelihood. Suppoſe then that this Eſtate coms to be ſpent or loſt, where is the Monarchy of this Family? But if the Maſter was no otherwiſe Monarchical than by virtue of his Eſtate, then the foundation or balance of his Empire conſiſted in the thouſand pounds a year. Monarchical Family.

THAT from theſe Principles there may alſo be a Popular Family, is apparent: For ſuppoſe ſix or ten, having each three hundred pounds a year, or ſo, ſhall agree to dwell together as one Family; can any one of theſe pretend to be Lord and Maſter of the ſame, or to diſpoſe of the Eſtates of all the reſt? Or do they not agree together upon ſuch Orders, to which they conſent equally to ſubmit? But if ſo, then certainly muſt the Government of this Popular Family.

Book I. *Family be a Government of Laws or Orders, and not the Government of one, or of ſom three or four of theſe men.*

Government of Laws, and Government of Men.

YET the one Man in the Monarchical Family giving Laws, and the Many in the Popular Family doing no more, it may in this ſenſe be indifferently ſaid, That all Laws are made by Men. But it is plain that where the Law is made by one Man, there it may be unmade by one Man; ſo that the Man is not govern'd by the Law, but the Law by the Man; which amounts to the Government of the Man, and not of the Law: Whereas the Law being not to be made but by the Many, no Man is govern'd by another man, but by that only which is the common intereſt; by which means this amounts to a Government of Laws, and not of Men.

The facility that is in true Politics.

THAT the Politics may not be thought an unneceſſary or difficult Art, if theſe Principles be leſs than obvious and undeniable, even to any Woman that knows what belongs to houſekeeping, I confeſs I have no more to ſay. But in caſe what has bin ſaid be to all ſorts and capacitys evident, it is moſt humbly ſubmitted to Princes and Parlaments, whether, without violence or removing of Property, they can make a Popular Family of the Monarchical, or a Monarchical Family of the Popular? Or, whether that be practicable or poſſible in a Nation, upon the like balance or foundation in Property, which is not in a Family? A Family being but a ſmaller Society or Nation, and a Nation but a greater Society or Family.

The difference between a Soverain Lord, and a Magiſtrat, tho ſupreme.

THAT which is uſually anſwer'd to this point, is, That the ſix or ten, thus agreeing to make one Family, muſt have ſom Steward; and to make ſuch a Steward in a Nation, is to make a King. But this is to imagin that the Steward of a Family is not anſwerable to the Maſters of it, or to them upon whoſe Eſtates (and not upon his own) he defrays the whole Charge: For otherwiſe this Stewardſhip cannot amount to Dominion, but muſt com only to the true nature of Magiſtracy, and indeed of annual Magiſtracy in a Commonwealth; ſeeing that ſuch Accounts in the year's end, at fartheſt, uſe to be calculated, and that the Steward, Body and Eſtate, is anſwerable for the ſame to the Proprietors or Maſters; who alſo have the undoubted right of conſtituting ſuch another Steward or Stewards as to them ſhall ſeem good, or of prolonging the Office of the ſame.

Where the art of Lawgiving is neceſſary.

NOW, where a Nation is caſt, by the unſeen ways of Providence, into a diſorder of Government, the duty of ſuch particularly as are elected by the People, is not ſo much to regard what has bin, as to provide for the ſupreme Law, or for the ſafety of the People, which conſiſts in the true Art of Lawgiving.

The art of Lawgiving is of two kinds.

THE Art of Lawgiving *is of two kinds; the one (as I may ſay) falſe, the other true. The firſt conſiſts in the reduction of the Balance to Arbitrary Superſtructures; which requires violence, as being contrary to Nature: The other in erecting neceſſary Superſtructures, that is, ſuch as are conformable to the Balance or Foundation; which, being purely natural, requires that all interpoſition of Force be remov'd.*

CHAP.

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CHAP. I.

Conſidering the Principles or Balance of National Governments; with the different kinds of the ſame.

THE *Heaven*, ſays DAVID, *even the Heavens are the Lord's; but the Earth has he given to the Children of Men:* Yet, ſays God to the Father of theſe Children, *In the ſweat of thy Face ſhalt thou eat thy Bread. Dii laborantibus ſua munera vendunt.* This Donation of the Earth to Man coms to a kind of ſelling it for INDUSTRY, a Treaſure which ſeems to purchaſe of God himſelf. From the different kinds and ſucceſſes of this Induſtry, whether in Arms, or in other Exerciſes of the Mind or Body, derives the natural equity of Dominion or Property; and from the legal Eſtabliſhment or diſtribution of this Property (be it more or leſs approaching towards the natural equity of the ſame) procedes all Government. Pſal. 115. 16. *The Original of Property.* Gen. 3. 19.

THE diſtribution of Property, ſo far as it regards the nature or procreation of Government, lys in the overbalance of the ſame: Juſt as a man, who has two thouſand pounds a year, may have a Retinue, and conſequently a Strength, that is three times greater than his who enjoys but five hundred pounds a year. Not to ſpeak at this time of Mony, which in ſmall Territorys may be of a like effect: but to inſiſt upon the main, which is Property in Land, the overbalance of this, as it was at firſt conſtituted, or coms inſenſibly to be chang'd in a Nation, may be eſpecially of three kinds; that is, in One, in the Few, or in the Many. *The balance of Empire conſiſts in Property.*

THE overbalance of Land, three to one or therabouts, in one Man againſt the whole People, creates Abſolute Monarchy; as when JOSEPH had purchas'd all the Lands of the *Ægyptians* for PHARAOH. The Conſtitution of a People in this and ſuch caſes, is capable of intire ſervitude. *Buy us and our Land for Bread, and we and our Land will be Servants to* PHARAOH. *The generation of Abſolute Monarchy.* Gen. 47. 19.

THE overbalance of Land to the ſame proportion, in the Few againſt the whole People, creates Ariſtocracy, or Regulated Monarchy, as of late in *England:* And hereupon ſays SAMUEL to the People of *Iſrael*, when they would have a King, *He will take your Fields, even the beſt of them, and give them to his Servants.* The conſtitution of a People in this and the like caſes, is * neither capable of intire Liberty, nor of intire Servitude. *The generation of Regulated Monarchy.* 1 Sam. 8.

THE overbalance of Land to the ſame proportion in the People, or where neither one nor the few overbalance the whole People, creates Popular Government; as in the diviſion of the Land of *Canaan* to the whole People of *Iſrael* by lot. The conſtitution of a People in this and the like caſes, is capable of intire Freedom, nay, not capable of any other ſettlement; it being certain, that if a Monarch, or ſingle Perſon in ſuch a State, thro the corruption or improvidence of their Councils, might carry it; yet by the irreſiſtible force of Nature, or the reaſon alleg'd by MOSES (*I am not able to bear all this People alone,* Numb. 11. 14. *The generation of Popular Government.*

* Nec totam libertatem nec totam ſervitutem pati poſſunt. *Tacit.*

Book I. *lone, becauſe it is too heavy for me)* he could not keep it; but out of the deep Waters would cry to them, whoſe feet he had ſtuck in the mire.

Of the Militia, and of the Negative Voice.

WHEREVER the Balance of a Government lys, there naturally is the Militia of the ſame; and againſt him or them wherin the Militia is naturally lodg'd, there can be no negative Vote.

IF a Prince holds the overbalance, as in *Turky*, in him is the Militia, as the Janizarys and Timariots. If a Nobility has the overbalance, the Militia is in them, as among us was ſeen in the Barons Wars, and thoſe of *York* and *Lancaſter*; and in *France* is ſeen, when any conſiderable part of that Nobility rebelling, they are not to be reduc'd, but by the major part of their Order adhering to the King.

IF the People has the overbalance, which they had in *Iſrael*, the Militia is in them; as in the four hundred thouſand firſt decreeing, and then waging War againſt *Benjamin*: Where it may be inquir'd, what Power there was on earth having a Negative Voice to this Aſſembly? This always holds where there is Settlement, or where a Government is natural. Where there is no Settlement, or where the Government is unnatural, it procedes from one of theſe two cauſes; either an imperfection in the Balance, or elſe ſuch a Corruption in the Lawgivers, wherby a Government is inſtituted contrary to the Balance.

Judg. 20.

Imperfect Government.

IMPERFECTIONS of the Balance, that is, where it is not good or down weight, cauſe imperfect Governments; as thoſe of the *Roman* and of the *Florentin* People, and thoſe of the *Hebrew* Kings and *Roman* Emperors, being each exceeding bloody, or at leaſt turbulent.

Tyranny, Oligarchy, Anarchy.

GOVERNMENT againſt the balance in One, is Tyranny, as that of the *Athenian* PISISTRATUS: in the Few it is Oligarchy, as that of the *Roman* DECEMVIRS; in the Many Anarchy, as that under the *Neapolitan* MAZINELLO.

The Divine right of Government.

WHEREVER, thro Cauſes unforeſeen by Human Providence, the Balance coms to be intirely chang'd, it is the more immediatly to be attributed to Divine Providence: And ſince God cannot will the neceſſary cauſe, but he muſt alſo will the neceſſary effect or conſequence, what Government ſoever is in the neceſſary direction of the Balance, the ſame is of Divine Right. Wherfore, tho of the *Iſraelits* God ſays, *They have ſet up Kings, but not by me; they have made Princes, and I knew it not*; yet, to the ſmall Countries adjoining to the *Aſſyrian* Empire, he ſays, *Now have I given all theſe Lands into the hand of the King of* Babylon *my Servant — Serve the King of* Babylon, *and live.*

Hoſ. 8. 4.

Jer 27. 6, 17.

CHAP. II.

Shewing the variation of the Engliſh *Balance.*

THE Land in poſſeſſion of the Nobility and Clergy of *England*, till HENRY *7th*, cannot be eſteem'd to have overbalanc'd thoſe held by the People leſs than four to one. Wheras in our days, the Clergy being deſtroy'd, the Lands in poſſeſſion of the People overbalance thoſe held by the Nobility, at leaſt, nine in ten. In ſhewing how this change came about, ſom would have it that I aſſume to my ſelf more than my ſhare; tho they do not find me delivering that which muſt rely upon Authority, and not vouching my Authors. But HENRY the Seventh being conſcious of infirmity in his Title, yet finding

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finding with what ſtrength and vigor he was brought in by the Nobility, conceiv'd jealouſys of the like Power in caſe of a decay or change of Affections. *Nondum orbis adoraverat Romam:* The Lords yet led Country lives, their houſes were open to retainers, Men experienc'd in Military Affairs, and capable of commanding; their Hoſpitality was the delight of their Tenants, who by their Tenures or Dependence were oblig'd to follow their Lords in Arms. So that, this being the Militia of the Nation, a few Noblemen diſcontented could at any time levy a great Army; the effect wherof, both in the Barons Wars, and thoſe of *York* and *Lancaſter*, had been well know to divers Kings. This ſtate of affairs was that which inabl'd HENRY the Seventh to make his advantage of troubleſom times, and the frequent unrulineſs of Retainers; while, under the pretence of curbing Riots, he obtain'd the paſſing of ſuch Laws as did cut off theſe Retainers, wherby the Nobility wholly loſt their Officers. Then, wheras the dependence of the People upon their Lords was of a ſtrict ty or nature, he found means to looſen this alſo by Laws, which he obtain'd upon as fair a pretence, even that of Population. Thus *Farms were ſo brought to a ſtandard, that the Houſes being kept up, each of them did of neceſſity inforce a Dweller; and the proportion of Land laid to each Houſe, did of neceſſity inforce that Dweller not to be a Begger or Cottager, but a man able to keep Servants, and ſet the Plow on going. By which means a great part of the Lands of this Nation came in effect to be amortiz'd to the hold of the Yeomanry, or middle People*, wherof conſiſted the main body of the Militia, hereby incredibly advanc'd; and which henceforth, *like cleaner underwood leſs choak'd by their ſtaddles*, began to grow exceedingly. But the Nobility, who by the former Laws had loſt their Offices, by this loſt their Soldiery. Yet remain'd to them their Eſtates, till the ſame Prince introducing the Statutes for Alienations, theſe alſo became looſe; and the Lords leſs taken (for the reaſons ſhewn) with their Country lives, where their Trains were clip'd, by degrees became more reſident at Court, where greater pomp and expence by the Statutes of Alienations began to plume them of their Eſtates. The Court was yet at *Bridewel*, nor reach'd *London* any farther than *Temple-Bar*. The latter growth of this City, and in that, the declining of the Balance to Popularity, derives from the decay of the Nobility and of the Clergy. In the Reign of the ſucceding King were Abbys (than which nothing more dwarfs a People) demoliſh'd. I did not, I do not attribute the effects of theſe things thus far to my own particular obſervation; but always did, and do attribute a ſenſe therof to the Reign of Queen ELIZABETH, and the Wiſdom of her Council. There is yet living Teſtimony, that the ruin of the *Engliſh* Monarchy, thro the cauſes mention'd, was frequently attributed to HENRY the Seventh by Sir HENRY WOTTON; which Tradition is not unlike to have deſcended to him from the Queen's Council. But there is a difference between having the ſenſe of a thing, and making a right uſe of that ſenſe. Let a man read PLUTARCH in the lives of AGIS, and of the GRACCHI, there can be no plainer demonſtration of the *Lacedemonian* or *Roman* Balance; yet read his Diſcourſe of Government in his Morals, and he has forgot it: he makes no uſe, no mention at all of any ſuch thing. Who could have bin plainer upon this point than Sir WALTER RALEIGH, where, to prove that the Kings of *Egypt* were not elective but hereditary, he alleges that if the

Chap. 2.

Verulam. H. 7.

Kings

Book I.

Hiſt. of the World, *part* 1. *p.* 200.

Kings of *Egypt* had bin elective, *the Children of* PHARAOH *muſt have bin more mighty than the King, as Landlords of all* Egypt, *and the King himſelf their Tenant?* Yet when he coms to ſpeak of Government, he has no regard to, no remembrance of any ſuch Principle. In Mr. SELDEN's Titles of Honor, he has demonſtrated the *Engliſh* Balance of the Peerage, without making any application of it, or indeed perceiving it there, or in times when the defect of the ſame came to give ſo full a ſenſe of it. The like might be made apparent in ARISTOTLE, in MACHIAVEL, in my Lord VERULAM, in all, in any Politician: there is not one of them in whom may not be found as right a ſenſe of this Principle as in this preſent Narrative; or in whom may be found a righter uſe of it than was made by any of the Partys thus far concern'd in this ſtory, or by Queen ELIZABETH and her Council. *If a Prince*, ſays a great Author, *to reform a Government were oblig'd to depoſe himſelf, he might, in neglecting of it, be capable of ſom excuſe; but reformation of Government being that with which a Principality may ſtand, he deſerves no excuſe at all.* It is not indeed obſerv'd by this Author that where by reaſon of the declination of the Balance to Popularity, the State requires Reformation in the Superſtructures, there the Prince cannot rightly reform, unleſs from Soverain Power he deſcends to a Principality in a Commonwealth: nevertheleſs upon the like occaſions this fails not to be found ſo in Nature and Experience. The growth of the People of *England*, ſince the ruins mention'd of the Nobility and the Clergy came in the Reign of Queen ELIZABETH to more than ſtood with the Intereſt, or indeed the nature or poſſibility of a well founded or durable Monarchy; as was prudently perceiv'd, but withal temporiz'd by her Council, who (if the truth of her Government be rightly weigh'd) ſeem rather to have put her upon the exerciſe of Principality in a Commonwealth, than of Soverain Power in a Monarchy. Certain it is that ſhe courted not her Nobility, nor gave her mind (as do Monarchs ſeated upon the like foundation) to balance her great Men, or reflect upon their Power now inconſiderable; but rul'd wholly, with an art ſhe had to high perfection, by humoring and bleſſing her People. For this mere ſhadow of a Commonwealth is ſhe yet famous, and ſhall ever be ſo; tho had ſhe introduc'd the full perfection of the Orders requiſit to Popular Government, her fame had bin greater. Firſt, She had eſtabliſh'd ſuch a Principality to her Succeſſors, as they might have retain'd. Secondly, This Principality (the Commonwealth, as *Rome* of ROMULUS, being born of ſuch a Parent) might have retain'd the Royal Dignity and Revenue to the full, both improv'd and diſcharg'd of all Envy. Thirdly, It had ſav'd all the Blood and Confuſion, which thro this neglect in her and her Succeſſors, has ſince iſſu'd. Fourthly, It had bequeath'd to the People a Light not ſo natural by them to be diſcover'd, which is a great pity. *For even as the Many, thro the difference of opinions that muſt needs abound among them, are not apt to introduce a Government, as not underſtanding the good of it: ſo the Many, having by trial or experience once attain'd to this underſtanding, agree not to quit ſuch a Government.* And laſtly, It had plac'd this Nation in that perfect felicity, which, ſo far as concerns mere Prudence, is in the power of human nature to enjoy. To this Queen ſucceded King JAMES, who likewiſe regardleſs of this point (into which nevertheleſs he ſaw ſo far as not ſeldom to propheſy

M. D. l. 1. b. 10.

The great Council of Venice *has the Soverain Power, and the Duke the Soverain Dignity*

M. D. l. 1. c. 9.

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propheſy ſad things to his Succeſſors) neither his new Peerage, which in abundance he created, nor the old avail'd him any thing againſt that dread wherin, more freely than prudently, he diſcover'd himſelf to ſtand of Parlaments, as now mere Popular Councils, and running to popularity of Government like a Bowl down a hill; not ſo much, I may ſay, of Malice prepens'd, as by natural inſtinct, wherof the Petition of Right, well conſider'd, is a ſufficient Teſtimony. All perſuaſion of Court Eloquence, all patience for ſuch, as but look'd that way, was now loſt. There remain'd nothing to the deſtruction of a Monarchy, retaining but the name, more than a Prince who by contending ſhould make the People to feel thoſe advantages which they could not ſee. And this happen'd in the next King, who too ſecure in that undoubted right wherby he was advanc'd to a Throne which had no foundation, dar'd to put this to an unſeaſonable trial; on whom therfore fell the Tower in *Silo*. Nor may we think that they upon whom this Tower fell, were Sinners above all men; but that we, unleſs we repent, and look better to the true foundations, muſt likewiſe periſh. We have had latter Princes, latter Parlaments. In what have they excel'd, or where are they? The Balance not conſider'd, no effectual work can be made as to ſettlement; and conſider'd, as it now ſtands in *England*, requires to ſettlement no leſs than the Superſtructures natural to Popular Government: and the Superſtructures natural to Popular Government require no leſs than the higheſt ſkill or art that is in Political Architecture. The ſum of which Particulars amounts to this, That the ſafety of the People of *England* is now plainly caſt upon ſkill or ſufficiency in Political Architecture: it is not enough therfore, that there are honeſt men addicted to all the good ends of a Commonwealth, unleſs there be ſkill alſo in the formation of thoſe proper means wherby ſuch Ends may be attain'd. Which is a ſad, but a true account; this being in all experience, and in the judgment of all Politicians, that wherof the Many are incapable. And tho the meaneſt Citizen, not informing the Commonwealth of what he knows, or conceives to concern its ſafety, commits a hainous Crime againſt God and his Country; yet ſuch is the temper of later times, that a man, having offer'd any light in this particular, has ſcap'd well enough, if he be deſpis'd and not ruin'd. Chap. 3.

BUT to procede: if the Balance, or ſtate of Property in a Nation, be the efficient cauſe of Government, and, the Balance being not fix'd, the Government (as by the preſent Narrative is evinc'd) muſt remain inconſtant or floting; then the proceſs in the formation of a Government muſt be firſt by a fixation of the Balance, and next by erecting ſuch Superſtructures as to the nature therof are neceſſary.

CHAP. III.

Of Fixation of the Balance, or of Agrarian *Laws.*

FIXATION of the Balance of Property is not to be provided for but by Laws; and the Laws, wherby ſuch a Proviſion is made, are commonly call'd *Agrarian* Laws. Now as Governments, thro the divers Balance of Property, are of divers or contrary natures,

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tures, that is Monarchical or Popular; ſo are ſuch Laws. Monarchy requires of the ſtandard of Property, that it be vaſt and great; and of *Agrarian* Laws, that they hinder receſs or diminution, at leaſt in ſo much as is therby intail'd upon Honor: But Popular Government requires, that the ſtandard be moderat, and that its Agrarian prevent accumulation. In a Territory not exceding *England* in Revenue, if the Balance be in more hands than three hundred, it is declining from Monarchy; and if it be in fewer than five thouſand hands, it is ſwerving from a Commonwealth: which as to this point may ſuffice at preſent.

It is at preſent in more hands; but without fixation may com into fewer.

CHAP. IV.

Shewing the Superſtructures of Governments.

The Superſtructures of Abſolute Monarchy.

THAT the Policy or Superſtructures of all abſolute Monarchs, more particularly of the Eaſtern Empires, are not only contain'd, but meliorated in the *Turkiſh* Government, requires no farther proof than to compare them: but becauſe ſuch a work would not ly in a ſmall compaſs, it ſhall ſuffice for this time to ſay, that ſuch Superſtructures of Government as are natural to an abſolute Prince, or the ſole Landlord of a large Territory, require for the firſt ſtory of the Building, that, what Demeans he ſhall think fit to reſerve being ſet apart, the reſt be divided into Horſe quarters or Military Farms, for life or at will, and not otherwiſe: And that every Tenant for every hundred pounds a year ſo held, be, by Condition of his Tenure, oblig'd to attend his Soverain Lord in Perſon, in Arms, and at his proper coſt and charges, with one Horſe, ſo often, and ſo long as he ſhall be commanded upon ſervice. Theſe among the *Turks* are call'd *Timariots*.

Timariots.

Beglerbegs.

THE ſecond Story requires, that theſe Horſe quarters, or Military Farms, be divided by convenient Precincts or Proportions into diſtinct Provinces; and that each Province have one Governor or Commander in chief of the ſame, at the will and pleaſure of his Grand Signior, or for three years and no longer. Such among the *Turks* (unleſs by additional honors they be call'd *Baſhaws* or *Viziers*) are the Beglerbegs.

Janizarys *and* Spahys.

FOR the third Story, there muſt of neceſſity be a Mercenary Army conſiſting both of Horſe and Foot, for the Guard of the Prince's Perſon, and for the Guard of his Empire; by keeping the Governors of Provinces ſo divided, that they be not ſuffer'd to lay their arms or heads together, or to hold correſpondence or intelligence with one another. Which Mercenary Army ought not to be conſtituted of ſuch as have already contracted ſom other intereſt: but to conſiſt of Men ſo educated from their very childhood, as not to know that they have any other Parent, or native Country, than the Prince and his Empire. Such among the *Turks* are the Foot call'd *Janizarys*, and the Horſe call'd *Spahys*.

The Divan *and the* Grand Signior.

THE Prince accommodated with a Privy Council, conſiſting of ſuch as have bin Governors of Provinces, is the Topſtone: This Council among the *Turks* is call'd the *Divan*, and this Prince the *Grand Signior*.

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Chap. 4.

THE Superſtructures proper to a regulated Monarchy, or to the Government of a Prince (three or four hundred of whoſe Nobility, or of whoſe Nobility and Clergy hold three parts in four of the Territory) muſt either be by his perſonal influence upon the Balance, or by virtue of Orders. *The Superſtructures of Regulated Monarchy.*

IF a Prince, by eaſing his Nobility of Taxes, and feeding them with ſuch as are extorted from the People, can ſo accommodat their Ambition and Avarice with great Offices and Commands, that a Party rebelling, he can overbalance and reduce them by a greater part of their own Order, he may have greater Power and leſs Security, as at preſent in *France*.

THE ſafer way of this Government is by Orders; and the Orders proper to it ſpecially conſiſt of a Hereditary Senat of the Nobility, admitting alſo of the Clergy, and of a Repreſentative of the People made up of the Lords menial Servants, or ſuch as by Tenure and for Livelihood have immediat dependence upon them, as formerly in *England*.

A N Ariſtocracy, or State of Nobility, to exclude the People muſt govern by a King; or to exclude a King, muſt govern by the People: Nor is there, without a Senat or mixture of Ariſtocracy, any Popular Government. Whence, tho for diſcourſe ſake Politicians ſpeak of pure Ariſtocracy, and pure Democracy, there is no ſuch thing as either of theſe in Nature, or Example. *No ſuch thing as pure Ariſtocracy, or pure Democracy.*

WHERE the People are not overbalanc'd by one Man, or by the Few, they are not capable of any other Superſtructures of Government, or of any other juſt and quiet Settlement whatſoever, than of ſuch only as conſiſts of a Senat as their Counſillors, of themſelves or their Repreſentatives as Soverain Lords, and of a Magiſtracy anſwerable to the People, as diſtributers and executioners of the Laws made by the People. And thus much is of abſolute neceſſity to any or every Government, that is or can be properly call'd a Commonwealth, whether it be well or ill order'd. *The Superſtructures of Popular Government.*

BUT the neceſſary definition of a Commonwealth, any thing well order'd, is, That it is a Government conſiſting of the Senat propoſing, the People reſolving, and the Magiſtracy executing. *Definition of a well-order'd Commonwealth.*

MAGISTRACY is a ſtile proper to the executive part: yet becauſe in a Diſcourſe of this kind it is hardly avoidable, but that ſuch as are of the propoſing or reſolving Aſſemblys, will be ſometimes compriz'd under this name or ſtile, it ſhall be enough for excuſe to ſay, that Magiſtracy may be eſteem'd of two kinds; the one proper or Executive, the other improper or Legiſlative. *Diſtinction of Magiſtracy.*

A SENAT may conſiſt of a Hereditary Order, elective for life by it ſelf, or by ſom Magiſtrat or Magiſtrats of the ſame; as the Senat of *Rome* conſiſted of the Patrician Order therinto eligible, firſt by the Conſuls, and then by the Cenſors. A Senat may conſiſt of Senators elected by the People for life, as that of *Lacedemon*: It may conſiſt of Senators eligible by the People for terms, without any vacation or interval, as the Senat of *Venice*; or with intervals, as the Senat of *Athens*, which alſo for another difference was elected by lot. *Senats, and their kinds.*

A POPULAR Aſſembly may conſiſt of the whole People, as the great Council of *Venice* (for the *Venetians*, tho call'd, in reſpect of their Subjects, Nobility, are all that free People which is compriz'd in that Commonwealth) or of a Repreſentative, as in *Iſrael*. Again, a Re- *Popular Aſſemblys, and their kinds.*

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Book I.

preſentative of the People may be for life, as in the particular Citys or Soveraintys of *Holland*, improperly call'd Senats; or it may be upon Rotation, that is to ſay, by changes or courſes, as that of *Iſrael*, and the preſent Repreſentative in *England*; it may alſo be by lot, as the *Roman* Tribes call'd the Prerogative, and the *Jure vocatæ*.

Supreme Magiſtrats, and their kinds.

TO ſpeak of Magiſtrats in a Commonwealth, and all their kinds, were to begin an endleſs diſcourſe; the preſent I ſhall therfore confine to ſuch only as may be call'd Supreme Magiſtrats. The Supreme Magiſtracy of a Commonwealth may be in one or more; and it may be for life, or for terms and vacations. In one elective by the People for life; as in the Duke of *Venice*, whoſe Function is Civil and not Military. In two Hereditarily; as in the two Kings of *Lacedemon*, whoſe Function was rather Military than Civil. In nine annually elective by the People; as in the nine Princes or Archons of *Athens*. In two annually elected by the People; as the *Roman* Conſuls, whoſe Power was both Military and Civil. In a word, it may be in one or more, for life, or for terms and vacations, as ſhall beſt ſute with the occaſion.

Other differences in Commonwealths.

SOM Commonwealths conſiſt of diſtinct Soveraintys, as *Switzerland* and *Holland*; others are collected into one and the ſame Soverainty, as moſt of the reſt. Again, ſom Commonwealths have bin upon Rotation or Courſes in the Repreſentative only, as *Iſrael:* Others in the Magiſtracy only, as *Rome*. Som in the Senat and in the Magiſtracy, as *Athens* and *Venice:* Others in ſom part of the Magiſtracy, and in others not; as *Lacedemon* in the *Ephori*, and not in the Kings; and *Venice* not in the Duke, nor in the *Procuratori*, but in all the reſt. *Holland*, except in the Election of States Provincial (which is emergent) admits not of any rotation or courſes. There may be a Commonwealth admitting of Rotation throout, as in the Senat, in the Repreſentative, and in the Magiſtracy; as that propos'd in *Oceana*.

Rotation, or Courſes.

ROTATION, if it be perfect, is equal election by, and ſucceſſion of the whole People to the Magiſtracy by terms and vacations.

Popular Election.

EQUAL Election may be by Lot, as that of the Senat of *Athens*; by Suffrage, as that of *Lacedemon*; or by Ballot, as that of *Venice*, which of all others is the moſt equal.

The Ballot.

THE Ballot, as it is us'd in *Venice*, conſiſts of a Lot; whence procedes the right of propoſing, and of an unſeen way of ſuffrage, or of reſolving.

The different Genius of Commonwealths.

FROM the wonderful variety of parts, and the difference of mixture (hitherto ſcarce touch'd by any) reſult thoſe admirable differences that are in the Conſtitution and Genius of Popular Governments; ſom being for defence, ſom for increaſe; ſom more equal, others inequal; ſom turbulent and ſeditious, others, like ſoft ſtreams, in a perpetual tranquillity.

The cauſe of Sedition in a Commonwealth.

THAT which cauſes innat Sedition in a Commonwealth, is Inequality; as in *Rome*, where the Senat oppreſt the People. But if a Commonwealth be perfectly equal, it is void of Sedition, and has attain'd to perfection, as being void of all internal cauſes of diſſolution.

Definition of an equal Commonwealth.

AN equal Commonwealth is a Government founded upon a balance which is perfectly Popular, being well fix'd by a ſutable *Agrarian*; and which from the balance, thro the free ſuffrage of the People given

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given by the Ballot, amounts in the Superſtructures to a Senat debating and propoſing, a Repreſentative of the People reſolving, and a Magiſtracy executing: each of theſe three Orders being upon Courſes or Rotation; that is, elected for certain terms, injoining like Intervals. Chap. 4.

SUCH Conſtitutions in a Government as regard the Frame or Model of it, are call'd Orders; and ſuch things as are enacted by the Legiſlative Orders, are called Laws. *The difference between Laws and Orders.*

TO undertake the binding of a Prince from invading Liberty, and yet not to introduce the whole Orders neceſſary to Popular Government, is to undertake a flat contradiction, or a plain impoſſibility.

A PEOPLE or Aſſembly not underſtanding true Principles, give leaſt credit to the beſt Orders, and ſo com to caſt themſelves upon particular perſons: for where orders are not credited, there Men muſt be truſted; and where Men are truſted, they find themſelves ſo well in their power, that they are either for bringing in a Commonwealth by degrees, or more probably not at all. The deſire of bringing in a Commonwealth by degrees, ariſes from want of conſidering that the whole of a Commonwealth, as to charge or trouble, is leſs than the half. He who has a Journey to go, dos not chuſe to have but half a Bridle, or but one Boot or Stirrup, tho theſe be fewer things, and com but to half the charge; becauſe this would but neceſſitat him to procure more things, and perhaps more chargeable or dangerous. *Hazard thro the want of Principles.*

Optimus ille animi vindex, lædentia pectus
Vincula qui rupit, dedoluitque ſemel.

The Concluſion:

Obſerving that the Principles of Human Prudence being good without proof of Scripture, are nevertheleſs ſuch as are provable out of Scripture.

WHO imagins that the *Romans* govern'd by proof out of Scripture? Yet ſays PETER, *Submit yourſelves to* (Human Prudence, or) *every Ordinance of Man*; which relates more particularly to the Government of the *Romans*. The moſt frequent compariſon of a Commonwealth is to a Ship; but who imagins that a Ship ought not to be built according to the Art of the Shipwright, or govern'd according to the Compaſs, unleſs theſe be prov'd out of Scripture? Nevertheleſs, as hitherto I have prov'd the principles of Human Prudence in the ſeveral parts out of Holy Scripture; ſo I undertake to vindicat them in the whole, as to the intire frame of Popular Government, in the inſuing Book, by the ſame Authority and undeniable Evidence. 1 Pet. 2. 13.

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THE

SECOND BOOK,

Containing the

COMMONWEALTHS

OF THE

HEBREWS:

Namely,

ELOHIM, or the Commonwealth of *Israel*;

AND

CABALA, or the Commonwealth of the *Jews*.

The PREFACE,

Shewing that there were Commonwealths before that of *Israel*.

HUMAN *Prudence is originally a Creature of God, and, with respect to its existence, as antient as human Nature; nor is it so much younger in any of those Effects or Ends for which it was ordain'd by God, that we should think* Israel *to have bin the first Commonwealth, or the first Popular Government that ever was, or that was planted at least in* Canaan: *for the like Governments, in the Countrys therabout, there were both before and at the same time. It was in* Canaan, *that* MELCHIZEDEC, *King and Priest of* Salem, *had reign'd during the time of* ABRAHAM, *who paid him Tithes of all that he had. Now Tithes before* Israel *and the institution of the* Levits, *belong'd not to any sort of Clergy, but to the Prince or State. Whence* SAMUEL *in the description of a King, tells the People that he will take the tenth of their Goods. Thus* ABRAHAM, *in paying Tithes to* MELCHIZEDEC, *acknowleg'd him for his Prince. Yet had* ABRAHAM *the right of the Sword, and made War with Kings, as those of* Sodom, *at his own discretion; whence* Canaan *may seem to have bin a Commonwealth*

Tithes originally belonging to Kings. 1 Sam. 8. 15, 17.

The Commonwealth of *Salem*.

wealth in thoſe days, much after the manner of Germany *in ours. The five Lords (perhaps five Tribuns) of the* Philiſtins *muſt needs have bin ſom Ariſtocracy at leaſt of Princes joining in one Body or Commonwealth. So* Venice *in her firſt Age was under Lords or Tribuns. It is little to be doubted, but the Government of* JETHRO, *King and Prieſt of* Midian, *was of a like nature with that of* MELCHIZEDEC, *or of the* Lacedemonian *Kings, who were alſo Prieſts; or that the Counſil he gave to* MOSES *(being for the inſtitution of ſuch Judicatorys as are not proper in a Monarchy) was any other than according to the Orders of his own Commonwealth. And leſt theſe Governments ſhould ſeem leſs popular, the Embaſſadors of the* Gibeonits *coming to* JOSHUA, *ſay thus;* Our Elders *(or our Senat)* and all the Inhabitants of our Country *(or the popular Aſſembly of the ſame)* ſpoke to us ſaying, Go meet them, and ſay to them, We are your Servants: therfore now make a League with us. *To make a League with a foren Nation evinces Soverain Power; and that this League was made by the Senat and the People, evinces* Gibeon *to have bin a Popular Government. Such a thing then as Popular Government moſt undeniably there was before* Iſrael. *Now whether* Iſrael *were a Popular Government or no, I ſhall refer to trial by the enſuing Chapter.*

Chap. 1.

The Commonwealth of the *Philiſtins.*

The Commonwealth of *Midian.*

The Commonwealth of the *Gibeonites.*

Joſhua 9. 11.

CHAP. I.

Shewing that Iſrael *was a Commonwealth.*

Sect. 1.

IT is ſaid of the *Iſraelits* that went firſt into *Egypt*, *All the Souls that came out of the loins of* Jacob *were ſeventy Souls.* Theſe becoming ſo many Fathers of Familys, and governing their own Familys by Paternal Right, it follows that at firſt they ſo govern'd the whole People; yet not with any ſoverain Power (as may be eaſily thought in a Country that had a Prince of its own) but by way only of direction and advice. The People being thus accuſtom'd to this way, as any of theſe ſeventy came to dy, ſupply'd his place with another of their Election; at leaſt for the probability of this opinion, we find mention of MOSES, NADAB, ABIHU, *and ſeventy of the Elders,* before the inſtitution of the *Iſraelitiſh* Senat or Sanhedrim. To theſe and to the People MOSES propos'd his Laws. So I am ſure in the * *Latin* it is expreſly ſaid, where by our *Engliſh* Tranſlation it is thus render'd, *This is the Law* (and by the Law here is meant no leſs than the whole Book of *Deuteronomy) which* MOSES *ſet before the Children of Iſrael,* whoſe Aſſemblys were not always without faction. For KORAH, DATHAN, *and* ABIRAM, *with two hundred Princes of the Aſſembly, famous in the Congregation, Men of Renown,* bandy'd themſelves againſt MOSES, and his intended Election of his Brother AARON to the hereditary Prieſthood, reproaching him (ſays JOSEPHUS) that he went about to diſpoſe of this Honor without the Suffrage of the Congregation, therby affecting Tyranny, and a ſly

Exod. 1. 5.

The riſe of the Iſraelits *Government.*

Of the Princes of the Tribes, and Princes of Families.

Exod. 24. 9.

Antiq. l. 4. c. 2.

* Hæc eſt lex quam Moſes propoſuit, Deut. 4. 44. *and wheras betwixt a Precept and a Command there is a large difference; in places more than I can ſtand to number, where the Latin has it,* præcepit Moſes, *the Engliſh has it,* Moſes commanded.

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uſurpation of the Liberty of the People: which ſenſe alſo is imply'd by their upbraiding him in Scripture; *Is it a ſmall thing that thou haſt*
Num. 16. 13. *brought us up out of the Land that flows with Milk and Honey, to kill us in the Wilderneſs? except thou makeſt thyſelf altogether a Prince over us.*

That Moſes *was no King.*

But wheras the Scripture in all this preſumes theſe Incendiarys to have bely'd MOSES, ſom will have all they thus laid to his charge, to be no more, but leſs than truth; in as much as they will needs have MOSES not only to have bin a King, but to have bin a King exerciſing Arbitrary Power, and ſuch Arbitrary Power as, being without any bounds, fully amounts to Tyranny.

Sect. 2.

That Moſes *propos'd his Laws to the People and their Suffrage.*

THE word King is not a ſufficient definition of the Magiſtrat ſo ſtil'd: Between a *Lacedemonian* King and a *Perſian* King, or between either of theſe and a King of *England*, there was a vaſt difference. Both the Kings of *Lacedemon* were but as one Duke in *Venice*. The *Venetians* therfore, if it had ſo pleas'd them, might as well have call'd their Duke a King. Certain it is, that he is not ſo much in the Commonwealth, as are a few of his Counſillors; and yet all Acts of the Government run in his name, as if there were no Commonwealth.

Deut. 34. 4.

In what ſenſe Moſes *may be call'd a King.*

IT is ſaid (according to our Tranſlation) MOSES *commanded us a Law*, &c. according to the Original, MOSES (propos'd, or) *gave us a Law, which is an Inheritance to the Congregation of* JACOB. The Duke of *Venice* has a right to propoſe or give Law in the Congregation or great Council of *Venice*; where he, who ſees him ſitting, would believe he were a King. And if MOSES were King in *Jeſurun* (or *Iſrael*) it was *when the Heads of the People and the Tribes of* Iſrael *were gather'd togther.* PAUL, epitomizing the ſtory of the People of *Iſrael* in his ſermon to the *Antiochian Jews*, ſhews how God *choſe their Fathers, exalted the People, deſtroy'd* (for their ſake) *ſeven Nations in the Land of* Canaan, *and divided their Lands to them by Lots:* but ſpeaks not a word of any King given to them, till expreſly after their Judges. But if MOSES were a King, yet that he did not propoſe, but command by his power the Laws which he gave to *Iſrael*, dos not follow. For DAVID was a King, who nevertheleſs did no otherways make any Law than by Propoſition to the People, and their free Suffrage upon it. DAVID *conſulted with the Captains of thouſands, and hundreds, and with every Leader* (of which Military Diſciplin of the Congregation of *Iſrael* more in due place will be ſhewn) *and* DAVID *ſaid to all the Congregation, if it ſeems good to you, and that if it be of the Lord our God* (tho he was a King, and a man after God's own heart, he makes the People Judges what was of God) *let us ſend abroad to our Brethren every where that are left in all the Land of* Iſrael, *and with them alſo to the Prieſts and Levits that are in their Citys and Suburbs, that they* (to the end this thing may be perform'd with the greateſt ſolemnity) *may gather themſelves to us, and let us bring the Ark of God to us: for we inquir'd not at it in the days of* SAUL.

Ver. 5.

Acts 13.

1 Chron. 13.

1 Sam. 4.

In the days of ELI the Ark was taken by the *Philiſtins*, who being ſmitten till there was a deadly deſtruction throout all the City, and their Divines attributing the cauſe therof to the detention of the Ark, after ſeven months ſent it to *Bethſhemeſh*; whence it was brought to *Kirjath-jearim*, and there lodg'd in the houſe of AMINADAB, before SAUL was King, where it remain'd till ſuch time as DAVID propos'd (in the manner ſhewn) to the People the reduction of the ſame.

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ſame. Upon this Propoſition, the People giving Suffrage are unanimous in their reſult; *All the Congregation ſaid, that they would do ſo* (not that they could do no otherwiſe by a King, for they did not the like by REHOBOAM, but that) *the thing was right in the eys of all the People.* *Moreover*, DAVID *and the Captains of the Hoſt ſeparated to the Service ſom of the Sons of* ASAPH, *and of* HEMAN, *and of* JEDUTHUN, *who ſhould propheſy with Harps, with Pſalterys and with Cymbals*; that is, propos'd theſe Laws for Church Diſciplin, or Offices of the Prieſts and Levits, to the ſame Repreſentative of the People: of which more in other places. Thus much in this, to ſhew, that if MOSES were a King, it dos not follow that he propos'd not his Laws to a Congregation of the People having the power of Reſult. To ſay that the Laws propos'd by MOSES were the Dictat of GOD, is not to evade, but to confirm the neceſſity of propoſing them to the People, ſeeing the Laws or Dictats of GOD or of CHRIST, can no otherwiſe be effectually receiv'd or imbrac'd by a People, or by a privat man, than by the free ſuffrage of the Soul or Conſcience; and not by Force or Rewards, which may as well eſtabliſh the Laws of the Devil. Chap. 1. 1 Chron. 13. 4. Chap. 25.

BUT for another way, ſuch a one as it is, of crowning MOSES, ſom are poſitive that there lay an appeal from the ſeventy Elders to Him. Now the Command of God to MOSES for the inſtitution of the Seventy, is this: *Gather to me ſeventy men of the Elders of* Iſrael— *that they may ſtand with thee.* Upon which words let me ask, whether had MOSES thenceforth a diſtinct or a joint political Capacity? If the Seventy ſtood with MOSES, or it were a joint Capacity, then MOSES was no King in their ſenſe; and if it were diſtinct, then lay there to MOSES no appeal, even by his own Law: for thus in the caſe of Appeals it is by him directed. *If there ariſes a Controverſy too hard for thee in Judgment——thou ſhalt com to the Prieſts and Levits* (that is, to the ſeventy Elders)——*According to the ſentence of the Law which they——ſhall tell thee, thou ſhalt do——And the man that will do preſumtuouſly, and will not hearken—even that man ſhall dy.* In which words all color of appeal from the ſeventy Elders is excluded. Sect. 3. *That there lay no appeal from the 70 Elders to* Moſes. Num. 11. 16. Deut. 17, 8.

BUT whether MOSES were a King or no King, either his Power was more than that of King DAVID; or without propoſition to, and reſult of the People it is plain that he could paſs no Law. Now the Senat, Sanhedrim, or ſeventy Elders, came in the place of MOSES, or ſtood with him; therfore their Power could be no more than was that of MOSES. So that if the Power of MOSES were never more in the point of Lawgiving, than to propoſe to the People; then the power of the Sanhedrim could be no more in the point of Lawgiving, than to propoſe to the People. Nor will it be found in Scripture that the Sanhedrim ever made any Law without the People, yet it is found in Scripture that the People made a Law without the Sanhedrim, or levy'd War without them, which is all one: for where there is a power to levy War, there will be the power of making Law. And the occaſion upon which this is found, is the War levy'd againſt BENJAMIN by the Congregation conſiſting of four hundred thouſand. Again, if the Sanhedrim inherited the whole power of MOSES, and yet had no larger power in Lawmaking than to propoſe to the People, then had MOSES never any larger power in Lawmaking than to propoſe to the People. Now where there is no King, Sect. 4. Judg. 20.

or

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or no King in a distinct capacity from the Senat; and where the Senat has no farther power in Lawmaking than to propose to the free suffrage of the People; the Government there is a Commonwealth. Thus having shewn that *Israel* was a Commonwealth, I come next to shew what Commonwealth *Israel* was.

CHAP. II.

Shewing what Commonwealth Israel *was.*

Sect. 1. *Division of the Children of* Israel; *first Genealogical.* Exod. 1.

ALL Political Methods that are collective of the People, must necessarily begin with a distribution or division of the People.

FOR the division of the People of *Israel*, it was first Genealogical, and then local. *Now these are the Names* (of the Ancestors of the Tribes, or) *of the Children of* Israel *which came into* Egypt, *every man and his Household came with* JACOB: REUBEN, SIMEON, LEVI, *and* JUDAH, ISSACHAR, ZEBULUN, *and* BENJAMIN, DAN, *and* NAPHTALI, GAD, *and* ASHER. These being eleven in number, were the Sons of JACOB, who had also one more, namely JOSEPH. *And to* JOSEPH *were born two Sons before the years of Famin came, which* ASENAH, *the Daughter of* POTIPHERAH *Priest of* On, *bore to him. And* JOSEPH *call'd the Name of the first-born* MANASSEH——*and the name of the second call'd he* EPHRAIM. Which two (tho but Grandchildren) were adopted by JACOB for his Sons, in these words: *Let my name be nam'd on them, and the name of my Fathers* ABRAHAM *and* ISAAC; *and let them grow into a multitude in the midst of the Earth.* From which addition to the former came the Tribes of *Israel*, genealogically reckon'd, to be in number thirteen. In the genealogical distribution of the Tribes there were also observ'd certain Ranks, Qualitys, or Degrees, as appears by the Poll made of *Israel* in the *Wilderness* of *Sinai*, and *in the Tabernacle of the Congregation* by MOSES. These Degrees were of two sorts: first, Phylarchs, or Princes of Tribes; and secondly, Patriarchs, or Princes of Familys: all hereditary Honors, and pertaining to the Firstborn of the Tribe or of the Family respectively. That this Poll be more perfectly understood, will be useful: for which cause I shall be somwhat more particular. First, for the Phylarchs, or Princes of the Tribes; and then for the Patriarchs, or Princes of Familys. To begin with the Princes of the Tribes.

Gen. 41. 50, 51, 52.

Gen. 48. 16.

Num. 1.

Sect. 2. *Of the Princes of Tribes; or the Muster-Roll in* Sinai. Num. 1. 17, 18.

MOSES and AARON——*assembl'd the Congregation* (or political Convention of the People) *together on the first day of the second month, after their Familys, by the house of their Fathers, according to the number of the names, from twenty years old and upwards, by the poll.* Where every Phylarch or Prince of a Tribe, with the number of men at the age mention'd and upward, throout his Tribe, are listed much after this manner.

1. OF the Trice of REUBEN, ELIZUR, Prince. The men of military age in his Tribe, forty six thousand five hundred.
2. OF the Tribe of SIMEON, SHELAMIEL, Prince. The men of military age in his Tribe, fifty nine thousand three hundred.

3. OF

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3. OF the Tribe of JUDAH, NASHON, Prince. The men of military age in his Tribe, threeſcore and fourteen thouſand ſix hundred. Chap. 2.
4. OF the Tribe of ISSACHAR, NETHANIEL, Prince. The men of military age in his Tribe, fifty four thouſand four hundred.
5. OF the Tribe of ZEBULUN, ELIAB, Prince. The men of military age in his Tribe, fifty ſeven thouſand four hundred.
6. OF the Tribe of EPHRAIM, ELISHAMA, Prince. The men of military age in his Tribe, forty thouſand five hundred.
7. OF the Tribe of MANASSEH, GEMALIEL, Prince. The men of military age in his Tribe, thirty two thouſand two hundred.
8. OF the Tribe of BENJAMIN, ABIDAN, Prince, The men of military age in his Tribe, thirty five thouſand four hundred.
9. OF the Tribe of DAN, AHIEZER, Prince. The men of military age in his Tribe, threeſcore and two thouſand ſeven hundred.
10. OF the Tribe of ASHER, PAGIEL, Prince. The men of military age in his Tribe, forty one thouſand five hundred.
11. OF the Tribe of GAD, ELIASAPH, Prince. The men of military age in his Tribe, forty five thouſand ſix hundred and fifty.
12. OF the Tribe of NAPHTALI, AHIRA, Prince. The men of military age in his Tribe, fifty three thouſand four hundred.

THE total ſum of which Muſterroll in the twelve Tribes, amounts to Princes twelve; and men of military age ſix hundred three thouſand five hundred and fifty, beſides the *Levits*.

Sect. 3. *The Levits Call, Order, or Tribe.* Num. 3, 12, 13.

ALL the firſtborn, ſays God, *are mine*. In which words is imply'd that the Prieſthood, or right of preaching, inſtructing, or adminiſtring divine things, belong'd, as it were, of natural right, to Fathers of Familys, or the Firſtborn; till the Lord *took the* Levits *from among the Children of* Iſrael, *inſtead of the Firſtborn*. Theſe being thus taken, were ſet apart, and ſo liſted by themſelves (to omit their ſeveral Familys, Functions, and Orders in the ſervice of the Tabernacle, and afterwards of the Temple, which would require a Volum) much after this manner.

OF the Tribe of LEVI, AARON High Prieſt. The number of all the Males of this Tribe, *from a month old and upwards, twenty and two thouſand*. The manner how God took the *Levits*, is thus expreſs'd. *Thou ſhalt bring the* Levits *before the Tabernacle of the Congregation, and thou ſhalt gather the whole Aſſembly together——and the Children of* Iſrael (after the manner that the *Levits* lay their hands upon the Bullocks, or Sacrifice) *ſhall put their Hands upon the* Levits, in token that they are ſacrific'd or ſeparated by the free ſuffrage of the People to the Lord. For leſt the ſuffrage of the People be thought hereby to have bin excluded, ſo DAVID *and the Captains of the Hoſt* or Army (which Army was the Repreſentative of the People) *ſeparated to the ſervice ſom of the Sons of* ASAPH, *of* HEMAN, *and of* JEDUTHUN *——who ſhall propheſy with Harps*. But of the Congregations of the People more in due place.

v. 39. Num. 8. 9, 10, 11, 12. 1 Chr. 25.

Sect. 4. *The Military Orders.* Grot. ad Num. 10.

THE hereditary Right more ſpecially belonging to the Phylarchs, or Princes of the Tribes, conſiſted (as that of the Kings of *Lacedemon*, of *Athens*, and of *Rome*) in the leading of the Armys of the Commonwealth; which was diſtributed to them in this manner. The twelve Tribes were divided into four Brigades, every Brigade conſiſting of three Tribes. The leading of the firſt Brigade pertain'd to

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Book II. JUDAH, who in his Standard bore a Lion. The leading of the ſecond Brigade belong'd to REUBEN, who in his Standard bore a Man. The leading of the third Brigade belong'd to EPHRAIM, who in his Standard bore an Ox. The leading of the fourth Brigade belong'd to DAN, who in his Standard bore an Eagle. Theſe four by the text are term'd *Standards of the Camp*, which were as the *Roman* Eagles. Furthermore, as the ſubdiviſions of the *Roman* Legions had their proper Inſigns, ſo had the Tribes here, which had not the leading of a Brigade of the Camp. The Inſigns of theſe Tribes were call'd *Staves*: as the Staff of the Children of ISSACHAR, the Staff of the Tribe of ZEBULUN, which follow'd the Standard of JUDAH: The Staff of the Tribe of SIMEON, the Staff of the Tribe of GAD, which follow'd the Standard of REUBEN: The Staff of the Tribe of MANASSEH, the Staff of the Tribe of BENJAMIN, which follow'd the Standard of EPHRAIM: The Staff of the Tribe of ASHER, the Staff of the Tribe of NAPHTALI, which follow'd the Standard of DAN. All which Inſigns or Staves in our *Engliſh* Tranſlation are render'd *Hoſts*, or Armys.

Num. 10. 14, 18, 22, 23.

Num. 3. IN the midſt of theſe four Squadrons or Brigades ſtood the Tabernacle, with the *Levits* divided, and diſtributed by their diſtinct Familys to the ſeveral uſes and carriages of the ſame, and lodg'd upon the four quarters.

WHEN the Ark ſet forward, or the Camp remov'd, theſe words were with ſolemnity pronounc'd by the General, or by the High Prieſt; *Riſe up Lord, and let thy Enemys be ſcatter'd, and let them that hate thee fly before thee.*

Num. 10. 35.

OF the Martial Diſciplin in which the Youth in *Iſrael* were educated to theſe ends, there was certainly more than is remaining in ſtory. But that their Popular Aſſemblys were all held in Military Order and Diſciplin, and that the deſerters of the Militia were anathematiz'd, confiſcated, or put to the ſword, will in due time be made ſufficiently apparent. For the preſent, you have the *Iſraelitiſh* Muſterroll, being of a like nature with that of *Athens* call'd *Lexiarcha*, and that in *Rome* call'd *Cenſus*. Nor has any Commonwealth bin well order'd in its Militia, which has not bin diligent in the inſtitution and preſervation of the like Military Rolls or Regiſters. Hitherto of the Phylarchs, or Princes of the Tribes; the next rank or quality in this Government was that of the Patriarchs or Princes of Familys.

Sect. 5. *The Patriarchs, chief of the Fathers, or Princes of Families; with a Catalog of the ſame.*

THE word *Family* in many places of Scripture, is not to be taken for a ſingle Houſhold; but as we take the word in Heraldry, that is, for a Lineage or Kindred. The Patriarchs in *Iſrael*, taken in this ſenſe, were ſuch as, till of late years in *Scotland*, were they that could lead the whole Name or Kindred, and be follow'd by them. The Familys in *Iſrael* of this kind, that were greateſt about the plantation of the Commonwealth, were of REUBEN, the *Henochits*, the *Phalluits*, the *Heſronits*, and the *Charmits*.

Num. 26.

OF SIMEON, the *Namuelits*, the *Jamnits*, the *Jachenits*, the *Zanits*, and the *Shaulits*.

OF GAD, the *Zephronits*, the *Haggits*, the *Shunits*, the *Oznits*, the *Erits*, the *Arodits*, and the *Arelits*.

OF JUDAH, the *Shelanits*, the *Pharzits*, the *Zarhits*, the *Heſronits*, and the *Hamulits*.

OF ISSACHAR, the *Tholaits*, the *Punits*, the *Shuhits*, and the *Shimranits*.

OF

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Chap. 1.

OF ZABULUN, the *Sardits*, the *Elonits*, and the *Jahleelits*.

OF MANASSEH, the *Machirits*, the *Galeadits*, the *Jeezrits*, the *Helekits*, the *Aſrielits*, the *Sechemits*, the *Shemidaits*, and the *Hepherits*.

OF EPHRAIM, the *Shuthalaits*, the *Bachtits*, the *Tahanits*, and the *Eranits*.

OF BENJAMIN, the *Belaits*, the *Aſhbelits*, the *Ahiramits*, the *Shuphamits*, the *Huphamits*, the *Ardits*, the *Heredits*, and the *Naamits*.

OF DAN, the *Suhamits*.

OF ASHER, the *Jimnits*, the *Jeſſuits*, the *Briits*, the *Heberits*, and the *Melchielits*.

OF NAPHTALI, the *Jazrielits*, the *Gunits*, the *Jeſerits*, and the *Shillemits*.

OF LEVI, the *Gerſonits*, the *Caharits*, and the *Merarits*. The heads of theſe were ſuch as are call'd Patriarchs, Princes, heads of Familys, or chief of the Fathers.

FAMILYS, tho far leſs ſubject than in other Governments to decay or increaſe, might at divers times be different in *Iſrael*; as after BENJAMIN was deſtroy'd, or after DAVID had rais'd his own and many other: But thus were the Familys at this time ſixty; the Tribes being, as was ſhewn before, thirteen.

IN the firſt inſtitution of the Tribes of *Rome*, that is, *Ramnenſes*, *Titienſes*, and the *Luceri*, they were alſo genealogical, but long it held not ſo; genealogical diviſions in a Commonwealth being for the moſt part of greater danger than uſe: but whether Genealogys be obſerv'd or not, the local way of diviſion is of abſolute neceſſity.

Sect. 6. *Of the Lot or Ballot of* Iſrael.

TO inſert the Geography of the *Iſraelitiſh* Tribes, would be as burdenſom both to the Reader and my ſelf, as needleſs to either. But the manner how the Tribes became local, was thro the diſtribution of the Land of *Canaan* by Lot, and intailing the Lands ſo diſtributed upon the Proprietors and their Heads for ever, without power of alienation, in any ſuch manner as to deprive their Poſterity. The Lot or Ballot in *Iſrael* was ſpecially of three uſes; one for election of Magiſtrats, another for the diſcovery of ſom ſecret Malefactor, and a third for the diviſion of Lands. To which three heads I hope to reduce the whole Hiſtory of their Government: and this work once perform'd, it will be eaſy to repreſent the Commonwealth in its Political method.

TO begin with the election of Magiſtrats, it was perform'd ſomtimes by the Lot, without Suffrage; and ſomtimes by the Ballot, that is, by a mixture of Lot and Suffrage. For the clearer diſcovery of the Order in Elections, I muſt invert the Order of the Magiſtrats elected, and begin with the King; then procede to the Judg, and com laſt of all to the Sanhedrim, and the inferior Courts.

THE Inſtruments us'd upon theſe occaſions, were firſt Lots, ſom Blanks and ſom Prizes; then Urns (that is, Pots) into which theſe Lots were caſt, and out of which they were afterwards drawn, or given forth; by what Officers, or with what farther Solemnity, dos not appear.

Sect. 7. *Manner of electing the King.* 1 Sam. 8. 7, 22. 1 Sam. 10. 17.

WHEN the People would needs have a King, SAMUEL, being their Judg, did that, tho againſt his will, which nevertheleſs was no more than his duty: that is, firſt, *hearken'd to the voice of the People*; or obey'd their Vote. Secondly, *Call'd the People together to the Lord* to Mizpeh. The political Aſſembly, or Congregation of the People

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Book II.

Judg. 20. Deut. 23. of *Iſrael* was call'd *Eccleſia Dei, the Congregation of the Lord*, as it ought to have bin expreſt in the Trial of BENJAMIN, and is in ſom places by our Tranſlation; as where an *Eunuch* (or one unfit for marriage with a Daughter of *Iſrael*, which Capacity was neceſſary to the being inrol'd of a Tribe) *a Baſtard* (as diſhonorable) *an* Ammonite *or* Moabite (as deſcended of perfidious Nations) *ſhall not enter into the Congregation of the Lord:* that is, ſhall not have right of ſuffrage with the People of *Iſrael*. So SAMUEL, by calling *the Congregation of the Lord*, or *the People together to the Lord in* Mizpeh (the place, before the taking of *Jeruſalem*, where they always held their Parlaments or political Aſſemblys) did the office of the like Magiſtrats in Commonwealths. The People being thus aſſembl'd (for to be brief, I muſt procede with conjectures, which at firſt ſight will ſeem bolder than really they are) SAMUEL cauſing the Urns to be ſet forth, pronounc'd the ſolemn form of words in uſe upon the like occaſion, which were theſe: *Preſent your ſelves before the Lord by your Tribes, and by your thouſands.* The political Aſſemblys of the Children of *Iſrael* were held, or gather'd (as we ſay) with Drums beating, and Colors flying; and if it were an extraordinary Congregation, that is, a Congregation conſiſting of the whole People, as this, and that for the trial of BENJAMIN, the Princes of the Tribes with their Staves, and the Standards of the Camp (in the order ſhewn) led up the People to the Urns, or Ballots. Wherfore upon theſe words of SAMUEL, the Princes march'd in their known diſciplin to the Urns. The Urns were two: in the one were twelve Lots inſcrib'd with the names of the twelve Tribes; in the other were alſo twelve other Lots, wherof eleven were Blanks, and the twelfth inſcrib'd with ſom word. What the *Iſraelitiſh* word was, dos not appear; the *Roman* word upon the like occaſion was *Prerogative:* wherfore ſeeing that which is loſt muſt have bin of a like nature, we may, for diſcourſe ſake, preſume it to have bin the ſame in *Iſrael* as in *Rome*. And *when* SAMUEL *had caus'd all the Tribes of* Iſrael *to com near, the Tribe of* BENJAMIN *was taken:* That is, the name of this Tribe being drawn out of the one Urn, to it was drawn the word *Prerogative* out of the other Urn; which being don, the Urns were chang'd, or at leaſt the Lots. And wheras in the enumeration of the Patriarchs, I ſhew'd by a catalog of their names, that the whole Tribe of BENJAMIN conſiſted of ſeven Familys; ſeven names by that account ſhould have bin caſt into the one Urn, and as many Lots into the other; one of them being inſcrib'd with the word *Prerogative*, and the other ſix being Blanks. But both the names, and the number of Familys at this Ballot, are moſt likely to have bin quite otherwiſe than in the Catalog; becauſe ſince that time the Tribe of BENJAMIN had in the far greater part bin deſtroy'd, and piec'd up again out of a Remnant: ſo for the number of the Familys, or the names of them, I can ſay nothing. But the Urns being thus prepar'd, came BENJAMIN, as now the Prerogative Tribe, to the Urns by Familys. *And when* SAMUEL *had caus'd the Tribe of* BENJAMIN *to com near by their Familys, the Family of* MATRI (which is a new one) *was taken:* that is, lighting, in the manner ſhewn, upon the Prize, became the Prerogative Family. This don, the Lots were again chang'd, and ſo many others as there were Houſholds in the Family of MATRI (for ſo you will find it in the trial of ACHAN) were caſt into the Urns.

For the Aſſembly of the Congregation at Mizpeh, *ſee* Judg. 10. 17. & 11. 11. & 20. 1. & 21. 1. 1 Sam. 7. 6, 16. 1 Sam. 10. 19.

The Military Order of Political Congregations in Iſrael, *ſee* Chap. 3.

Ver. 20. *The Prerogative Tribe.*

Judg. 20. 2.

Joſh. 7. 14, 16, 17, 18.

Thus

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Thus the Houſhold of KISH coming to be the Prerogative Houſhold, and ſo many Lots as there were men of that Houſhold, being caſt into the Urns, wherof the Prize was inſcrib'd *King*, came the Houſhold of KISH, man by man, and SAUL the Son of KISH was taken. Chap. 1.

Sect. 8. *That miraculous deſignation of Magiſtrats in a Commonwealth, was never underſtood to exclude the free Suffrage of the People in their Election.*

WE find it recorded by LIVY, of TARQUINIUS PRISCUS, and of SERVIUS TULLIUS, that before either of them was King, the one had his hat taken off, and carry'd up by an Eagle; the other had a flame reſting upon his forehead, by which it was firmly believ'd, that each of them was deſign'd of the Gods to be King: yet was this never ſo underſtood by themſelves, or any other, as to exclude the right of popular Suffrage in their Election, by which PRISCUS reign'd; or to create an opinion that any man ought to be King of *Rome*, whom the People had not firſt commanded to reign over them, to whoſe Election therfore SERVIUS, tho in poſſeſſion of the Throne, thought it his beſt way to refer himſelf. Far be it from me to compare Prodigys among Heathens, to Miracles in the Church: But each People had of each a like opinion. Both *Iſrael* and the *Heathens* began their popular Aſſemblys with Sacrifice. In order to the election of SOLOMON, the Repreſentative of *Iſrael ſacrific'd Sacrifices to the Lord——even a thouſand Bullocks, a thouſand Rams, and a thouſand Lambs, with their Drink-offerings, and Sacrifices in abundance, for all* Iſrael. And when they had thus don, what Magiſtrats ſoever the *Iſraelits*, or the *Heathens* elected, they always underſtood to be elected by God. *The Lot is caſt into the lap, but the whole diſpoſing therof is of the Lord.* And indeed, wheras in this manner they made SOLOMON King, and ZADOC to be Prieſt, if we will hold otherwiſe, we muſt think that neither the King nor the Prieſt was elected by God. A man that is elected to ſom great Office, by a King rightly qualify'd, muſt have little Religion, or hold himſelf to be rais'd up by God. Why then ſhould it be otherwiſe, when a Magiſtrat is elected by a People rightly qualify'd? Or what conſequence is there in ſaying, that SAUL was anointed by SAMUEL before he was elected by the People, or that God rais'd them up Judges; therfore neither SAUL nor the Judges were elected by the People? That God elected the Kings in *Iſrael*, is certain; and that the People no leſs for that did alſo elect the Kings, is as certain. *One from among thy Brethren ſhalt thou* (that is, thou the People of *Iſrael*) *ſet King over thee.* That God rais'd up Judges in *Iſrael*, is certain; and that the People no leſs for that, did alſo elect the Judges, is as certain. When the Children of *Ammon* made War againſt *Iſrael*, Iſrael *aſſembl'd themſelves together, and incamp'd in* Mizpeh, *whence the Elders of* Gilead *went to fetch* JEPHTA *out of the Land of* Tob.—— *Then* JEPHTA *went with the Elders of* Gilead, *and the People made him Head and Captain over them: and* JEPHTA *utter'd all his words before the Lord in* Mizpeh. But that SOLOMON was elected by the Lot, I do not affirm; it being moſt probable, that it was by Suffrage only, DAVID propoſing, and the People reſolving. Nor whether JEPHTA was elected by Suffrage, or by the Ballot, is it material; however, that the ordinary Magiſtrats were elected by the Ballot, I little doubt.

1 Chron. 29. 21, 22.

Prov. 10. 33.

Deut. 17. 15.

Judg. 10. 17. Judg. 11. 5, 11.

Sect. 9. *Election of Senators, and Judges of inferior Courts.*

THE ordinary Magiſtrats of this Commonwealth (as ſhall hereafter be more fully open'd) were the Sanhedrim, or the ſeventy Elders; and the inferior Courts or Judges, in the Gates of the Citys. For

Book II. For the Inſtitution and Election of theſe, MOSES propos'd to the People, or the Congregation of the Lord, in this manner. *Take you wiſe men, and underſtanding, and known among your Tribes* (ϰ) *and I will make* (or conſtitute) *them Rulers over you.* Where, by the way, leſt MOSES in theſe words be thought to aſſume power, SOLON, ſays ARISTOTLE (δημοκρατίαν κατασ-ήσαι) made, or conſtituted the Popular Government of *Athens.* In which he implys, not that SOLON was a King, or had Soverain Power, but that he was a Lawgiver, and had authority to propoſe to the People. Nor is there more in the words of MOSES; upon whoſe Propoſition, ſay *Jewiſh* Writers, each of the twelve Tribes, by free Suffrages, elected ſix Competitors, and wrote their Names in ſcrols, which they deliver'd to MOSES. MOSES having thus preſented to him by the twelve Tribes ſeventy and two Competitors for ſeventy Magiſtracys, had by conſequence two more Competitors, than were capable of the Preferment to which they were elected by the People: Wherfore MOSES took two Urns, into the one he caſt the ſeventy two Names preſented by the People; into the other, ſeventy two Lots, wherof two were blanks, the reſt inſcrib'd with the word *Elder.* This don, he call'd the Competitors to the Urn, where the ſeventy, to whoſe Names came forth the Prizes, went up to the Tabernacle, the Seſſion-houſe being there provided: and the two that drew the Blanks, namely ELDAD and MEDAD, tho of them that were elected and written by the Tribes, *went not up to the Tabernacle, but remain'd in the Camp,* as not having attain'd to Magiſtracy. Thus, if this place in Scripture can admit of no other Interpretation, ſo much as I have cited out of the *Talmud* (tho otherwiſe, for the moſt part, but a fabulous and indigeſted heap) muſt needs be good and valid. In this manner, one or more Senators happening to dy, it was eaſy for each Tribe, chuſing one or more Competitors accordingly out of themſelves, to decide at the Urn which Competitors ſo choſen, ſhould be the Magiſtrat, without partiality, or cauſe of feud; which, if a man conſiders this Conſtitution, was not perhaps ſo readily to be don otherwiſe. The like, no doubt, was done for the inferior Courts, except that ſuch Elections (the Commonwealth being once ſettl'd) were more particular, and perform'd by that Tribe only in whoſe Gates that Court was ſitting.

Deut. 1. 13.

See Num. 11. 26.

Sect. 10. *The ſtory of the Sanhedrim, and of the inferior Courts, as to their firſt inſtitution.*

THE firſt inſtitution of theſe Courts came to paſs in the manner following. Before the People were under Orders, the whole Judicature lay upon the ſhoulders of MOSES, who being overburden'd, was adviſed by JETHRO. *And* MOSES *hearken'd to the voice of his Father-in-law—and choſe* (after the manner ſhewn) *able men out of all* Iſrael, *and made them Heads over the People, Rulers of thouſands, Rulers of hundreds, Rulers of fiftys, and Rulers of tens.* The number of which Rulers, compar'd with the number of the People, as in the muſter roll at *Sinai*, muſt in all have amounted to about ſix thouſand. Theſe thus inſtituted, while *Iſrael* was an Army, came to be the ſame when the Army was a Commonwealth: wherof it is ſaid, *Judges and Officers ſhalt thou make thee in all thy Gates which the Lord thy God gives thee, throout thy Tribes; and they ſhall judg the People with juſt Judgment.* Each of theſe Courts, by the practice of the *Jewiſh* Commonwealth, conſiſted of twenty three Elders. But JETHRO, in his advice to MOSES, adds concerning theſe Judicatorys, this

Exod. 18. 24, 25.

Deut. 16. 18.

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this Caution: *Let them judg the People at all ſeaſons; and it ſhall be, that every great matter they ſhall bring to thee, but every ſmall matter they ſhall judg*: So ſhall *it be eaſier for thy ſelf, and they ſhall bear the burden with thee.* Which nevertheleſs follow'd not according to JETHRO's promiſe, the Appeals being ſuch to MOSES that he gos with this complaint to God: *I am not able to bear all this People alone, becauſe it is too heavy for me.* Wherupon *the Lord ſaid to* MOSES, *Gather to me ſeventy men, of the Elders of* Iſrael, *whom thou knoweſt to be Elders of the People, and Officers over them; and bring them to the Tabernacle of the Congregation, that they may ſtand with thee*—(but Crowns will have no rivals) *and they ſhall bear the burden of the People with thee, that thou bear it not alone.* But a Monarch is one that muſt be alone. *And* MOSES *went out, and told the People the words of the Lord* (which a Monarch needed not to have don) *and gather'd the ſeventy men of the Elders of the People*; the manner wherof is already ſhewn. JETHRO, being a Heathen, informs MOSES of the Orders of his own Commonwealth, which alſo was *Heatheniſh.* Yet in Scripture is both JETHRO join'd with MOSES, and the Commonwealth of *Midian* with the Commonwealth of *Iſrael.* How then coms it to be irreverend, or atheiſtical, as ſom ſay, in Politicians (and while political Diſcourſes cannot otherwiſe be manag'd) to compare, tho but by way of illuſtration, other Legiſlators, or Politicians, as LYCURGUS, SOLON, with MOSES; or other Commonwealths, as *Rome*, and *Venice*, with that of *Iſrael?* But the Authors of ſuch Objections had better have minded, that the burden wherof MOSES here complain'd, could in no manner be that of ordinary Judicature, of which he was eas'd before by the advice of JETHRO; and therfore muſt have bin that of Appeals only: ſo either the Sanhedrim bore no burden at all with MOSES, or they bore that of Appeals with him. And if ſo, how ſay they that there lay an Appeal from the ſeventy Elders to MOSES?

Chap. 2. Exod. 18. 22. Num. 11. 14, 15. Ver. 24.

BUT I ſaid the Lot was of uſe alſo toward the diſcovery of conceal'd Malefactors. Of this we have an Example in the detection of ACHAN. The words of the Law, wherby the Fact of ACHAN was criminal, are theſe: *If thou ſhalt hear ſay in one of thy Citys, which the Lord thy God has given thee to dwell therin, ſaying, Certain men, the Children of* Belial, *are gone out from among you, and have withdrawn the Inhabitants of their City, ſaying, Let us go and ſerve other Gods, which you have not known: then ſhalt thou inquire, and make ſearch, and ask diligently; and behold, if it be truth, and the thing certain, that ſuch Abomination is wrought among you, thou ſhalt ſurely ſmite the Inhabitants of that City with the edg of the Sword, deſtroying it utterly, and all that is therin, and the Cattel therof with the edg of the Sword. And thou ſhalt gather all the ſpoil of it into the midſt of the ſtreet therof, and ſhalt burn with fire the City, and all the ſpoil therof, every whit, for the Lord thy God: and it ſhall be a heap for ever, it ſhall not be built again, and there ſhall cleave nought of the accurs'd thing to thy hand.* Among the Citys that were given by God to *Iſrael*, was *Jericho.* Now tho againſt this City, before it was taken, JOSHUA had ſolemnly and publicly denounc'd the *Anathema*, or Curſes contain'd in the foregoing Law; and after the taking of it, had, in all appearance, executed upon it the whole of the *Anathema* ſo pronounc'd: yet thro ſubſequent loſſes before the City of *Ai*, being ſore afflicted, he enter'd into ſuſpicion, that there might have bin ſom failure in the performance

Sect. 11. *Lot, Ordel, or Inquiſition by Lot.* Deut. 13. 12, &c. Josh. 6. 17.

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Book II. formance of the Law. Wherupon he *rent his Clothes, and fell to the Earth upon his face before the Ark of the Lord, till the eventide, he and the Elders* (or Sanhedrim of *Iſrael) and put duſt on their heads.* The Sanhedrim, in difficult caſes of the Law, inquir'd of God by *Urim*; and the Sanhedrim, or the People, in caſes of high Concernment to the State, as in the War againſt BENJAMIN, inquir'd of the Ark. When God was inquir'd of by *Urim*, he gave his Oracle by the ſhining of certain Stones or Jewels in the Breaſtplate of the High Prieſt. When he was inquir'd of by the Ark, he gave his Oracle vocally from the Mercy ſeat, which was plac'd upon the Ark of the Covenant. Whence he who ſat between the Cherubims thus anſwer'd JOSHUA: *Get thee up; wherfore lieſt thou thus upon thy face?* Iſrael *has ſinn'd—— they have even taken of the accurs'd thing.* JOSHUA thus inform'd of the Crime, but not ſo particularly of the Malefactor as to know where to charge it, calls the whole People to the Urns; in one of which it may be thought that there were eleven white Stones, or Lots, with one black one; and in the other the twelve Names of the Tribes. So *Iſrael* coming firſt by Tribes to the Urns, the *Tribe of* JUDAH *was taken*; that is, this Tribe lighting upon the black Lot, was denoted for the Guilty Tribe: Which conſiſting (as appear'd by the Catalog) of five Familys, wherof the *Zarhits* were one, came next by Familys to the Urn; wherin there might be four white Lots, and one black one, by which the *Zarhits* were taken. In like manner came the Family of the *Zarhits* by Houſholds, and the Houſhold of ZABDI was taken: Laſt of all came the Houſhold of ZABDI man by man, and ACHAN was taken. This kind of Inquiſition was perform'd with ſuch Religion and Solemnity, that a man thus taken, if he had any guilt, could have no face to conceal it; or, if there were any Witneſſes of his Crime, they could not any longer diſſemble it: and whether he were convicted by teſtimony, or by his own confeſſion (as now ACHAN) he was put to death. The like proceding, in part, is imply'd to have bin in the caſe of JONATHAN; tho in this, by agreement therupon between SAUL and the People, it ſhould ſeem as if but two Lots were put into the Urn, wherof SAUL and JONATHAN, on the one part, drew the black: Or the Prince of the Tribe of JUDAH drawing for the whole People, on the other part, drew the white one; and that the ſame being put into the Urn again, to decide it between SAUL and JONATHAN, JONATHAN drew the black: wherupon, he being queſtion'd, confeſs'd the Fact; and, but that the People reſcu'd him from SAUL, had bin put to death.

Joſh. 7, 6.
Joſh. 7. 10.
Joſh. 7. 17.
1 Sam. 14.

Sect. 12. *Diſtribution of Lands, and Agrarian Laws in* Iſrael.

TO conclude with the uſe of the Lot, in the diviſion of the Land of *Canaan*. This (as implying the Foundation or Balance of the Government) ought to have bin the firſt in order, but happens here to com laſt; becauſe theſe Orders were inſtituted in the Wilderneſs, and ſo before the People had any Lands to divide. Nevertheleſs, this alſo was propos'd by MOSES, and reſolv'd by the People: *By lot was their Inheritance, as the Lord commanded* MOSES; and now coms (as it was, or ſhould have bin put in execution by JOSHUA) to be conſider'd.

Joſh. 14. 2.

IT may be true, that the *Roman* People were the wiſeſt that have bin; and it is true, that they only of a People, did labor to introduce *Agrarian* Laws, tho without effect: Otherwiſe, Levelling was never introduc'd, but by the wiſdom and providence of ſom great Man, as

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a MOSES, a JOSHUA, or a LYCURGUS; or by ſom accident, or accidents, bringing a Nobility to ruin, as the Laws of HENRY VII. and the ways of HENRY VIII. in *England* Chap. 2.

BETWEEN the Muſter Roll in *Sinai*, wherby the men of military age, as was ſhewn, amounted to ſix hundred and three thouſand five hundred and fifty, in the twelve Tribes, and the Law for the diviſion of the Land of *Canaan*, there happen'd a Plague, by which the number of the People, upon a new Poll, came but to ſix hundred and one thouſand ſeven hundred and thirty. Upon this Poll was the Law made which runs thus: *To theſe the Land ſhall be divided for an Inheritance, according to the number of names. To many thou ſhalt give the more Inheritance, and to fewer thou ſhalt give the leſs inheritance: To every one ſhall his inheritance be given, according to thoſe that were number'd of him. Notwithſtanding, the Land ſhall be divided by lot: according to the names of the Tribes of their Fathers, they ſhall inherit; according to the lot ſhall the poſſeſſion therof be divided to many and few.* This Law, in another place, is repeated thus: *You ſhall divide the Land by lot, for an inheritance among your Familys; and to many ye ſhall give the more Inheritance, and to the fewer ye ſhall give the leſs Inheritance: Every man's inheritance ſhall be in the place where his Lot falls, according to the Tribes of your Fathers ye ſhall inherit.* Num. 1. 46. Num. 26. 51. V. 53, 54, 55, 56. Num. 33. 54.

IN the making of theſe Lots conſideration was as well had of the goodneſs of the Land, as of the meaſure. Now ſuppoſing this Law to have bin in the whole and methodically executed, the *Canaanits* muſt firſt have bin totally rooted out of the Land of *Canaan*; which Land, in that caſe (as ſom affirm) would have afforded to this Commonwealth a Root or Balance, conſiſting of *three millions of Acres*. Theſe, reckoning the whole People in the twelve Tribes, at ſix hundred and two thouſand (which is more than upon the later Poll they came to) would have afforded to every man four Acres; to every one of the Patriarchs (upon the poll of the foregoing Catalog, where they are ſixty) four thouſand Acres; to every one of the Princes of the Tribes fourteen thouſand Acres; to the *Levitical* Citys (being forty eight, each with its Suburbs, of four thouſand Cubits diameter) one hundred thouſand Acres; and yet for extraordinary Donations, as to JOSHUA and CALEB (of which kind there were but few) ſom eighty thouſand Acres might remain. Now it is true, four Acres to a man may ſeem but a ſmall Lot; yet the *Roman* People, under *Romulus*, and long after, had but two. And it may very well be, that one Acre in *Canaan* was worth two in *Italy*, eſpecially about *Rome*; and four in *England*, tho' of the beſt ſort: and if ſo it were that four Acres in *Paleſtin* were worth ſixteen of our beſt, ſuch a Lot, at our account, might be worth about thirty or forty pounds a year; which, for a popular ſhare, holding that rate thro the whole body of a People, was a large proportion. By this eſtimat, or what poſſibly could be allow'd to the Princes of the Tribes and of the Familys, their ſhare came not to a ſixth of the whole: ſo the reſt remaining to the People, the Balance of this Government muſt have bin purely popular. It is true, that in the whole this Law of MOSES for the diviſion of the Land was never executed: but that in the parts ſom ſuch courſe was taken, is plain; for example, in the diviſion to ſeven Tribes, where JOSHUA propoſes to the People in this manner: *Give out from among you three men for each Tribe—and they ſhall go thro the Land and deſcribe* Hecateus apud Joſeph. cont. Ap. Joſh 18. 4.

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ſcribe it. The People having reſolv'd accordingly, theſe *went, and paſs'd thro the Land, and deſcrib'd it by Citys into ſeven parts in a Book, and came again to* JOSHUA *to the Hoſt at* Shiloh. And JOSHUA *caſt Lots for them in* Shiloh, *before the Lord: and there* JOSHUA *divided the Land to the Children of* Iſrael *according to their diviſions.* It were abſurd to think that this Lot determin'd of proportions; for ſo a mean man might have com to be richer than the Prince of his Tribe: but the proportions allotted to Tribes being ſtated, tho at firſt but by gueſs, and entred into the Lot Book of the Surveyors (who, ſays JOSEPHUS, were moſt expert in Geometry) the Princes came firſt to the Urns, wherof the one contain'd the names of the Tribes that were to draw, the other the names of thoſe parcels of Land that were to be drawn, firſt to a whole Tribe. Thus the name of a Tribe, for example BENJAMIN, being drawn out of one Urn, to that name a parcel was drawn out of the other Urn; for example, the Country lying between *Jericho* and *Bethaven.* This being don, and the Prince of the Tribe having choſen in what one place he would take his ſtated and agreed proportion, whether of fourteen thouſand Acres, or the like, the reſt of the Country was ſubdivided in the Lot Book, according to the number of Familys in the Tribe of this Prince; and the Parcels ſubdivided being caſt into the one Urn, the names of the Patriarchs into the other, the ſame Tribe came again by Familys. Thus every Patriarch making choice in what one part of this Lot he would take his agreed proportion, whether of four thouſand Acres, or the like, the remainder was again ſubdivided in the Lot Book, according to the number of names in his Family: if they were more than the parcel would furniſh at four Acres a man, then was that defect amended by addition out of the next parcel; and if they were fewer, then the overplus was caſt into the next parcel. By ſuch means the People came, or might have com in the whole, and in every part, to the Lot of their Inheritance; while every Tribe that was thus planted, became local without removal. *Neither ſhall the Inheritance remove from one Tribe to another Tribe; but every one of the Tribes of the Children of* Iſrael *ſhall keep himſelf to his own Inheritance.*

Numb. 36. 3.

Sect. 13. *The Portion of* Levi.

THE Tribes thus planted, or to have bin planted, were twelve. The thirteenth, or that of LEVI, came in the like manner to the Lot, for their forty eight Citys with their Suburbs, and receiv'd them accordingly; *as the Lot came forth for the Familys of the* Kohathits, and the reſt. Theſe Iſrael *gave to the* Levits *out of their Inheritance:* That is, theſe were ſuch as the twelve Tribes, before the diviſion, ſet apart for the *Levits,* with the Tithes, and the Offerings; which, tho this Tribe had no other Lands, made their portion by far the beſt. The Tribes being henceforth reckon'd by their locality, and theſe forty eight Citys being ſcatter'd throout the twelve Tribes, that of LEVI was no more computed as a diſtinct Tribe, but loſt as it were the name, yet with advantage: for to their promiſcuous abode they had the right of promiſcuous Marriage; no more in this point being injoin'd any of them, than *to take Maidens of the Seed of* Iſrael, or at leaſt *the Widows of Prieſts.* And as in the Tribes where they dwelt they had promiſcuous Marriage, ſo had they right of promiſcuous Election; that is, of electing, and being elected, into all the Magiſtracys and Offices of the Commonwealth: which they ſo frequently injoy'd, that the Sanhedrim is ſomtimes underſtood by their names.

Joſh. 21. 4, 5, 6.
Numb. 18. 20.
Deut. 10. 9.
Deut. 18. 1.

Ezek. 44. 22.

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names. *If there ariſes a matter too hard for thee in Judgment, thou ſhalt com to the Prieſts the Levits.* Between the Law, and the Religion of this Government, there was no difference; whence all Eccleſiaſtical perſons were alſo Political perſons, of which the *Levits* were an intire Tribe, ſet more peculiarly apart to God (the King of this Commonwealth) from all other cares, except that only of his Government. Thus MOSES did that with the ſafety of Liberty in *Iſrael*, which LYCURGUS could not do in *Lacedemon*, but by condemning the *Helots* to perpetual Slavery: For wheras without theſe to be Tillers of the Ground, the Citizens of *Lacedemon* could not be at leiſure for the Commonwealth; the Children of *Iſrael* might imploy themſelves in their domeſtic Affairs, as they requir'd, with ſafety: while the *Levits* bore the burden of the Government; or, in caſe either their privat Affairs permitted, or their Ambition promted, were equally capable of Magiſtracy. Chap. 2. Deut. 17. 8.

OF the *Levitical* Citys, three beyond, and three on this ſide *Jordan*, were *Citys of Refuge*. If a man was ſlain, the next of Kindred, by the Laws of *Iſrael* was the Avenger of Blood; and to the Avenger of Blood it was lawful to ſlay him that ſlew his Kinſman, wherever he could find him, except only in a City of Refuge. For this cauſe, if a man had ſlain another, he fled immediately to one of theſe Sanctuarys; whence nevertheleſs, the Judges in the Gates, within whoſe proper verge the Crime was committed, caus'd the Malefactor to be brought before them by a Guard, and judg'd between the Slayer and the Avenger of Blood. If that which we call Murder, or Manſlaughter, was prov'd againſt him by two Witneſſes, he was put to death: but if it was found, as we ſay, Chancemedly, he was remanded with a Guard to the City of Refuge; whence if, before the death of the High Prieſt, he was found wandring, it was lawful, not only for the Avenger of Blood, but for any man elſe to ſlay him. The High Prieſt being dead, he return'd, not home only, but to his Inheritance alſo, with liberty and ſafety. If a Prieſt had ſlain a man, his Refuge was the Sanctuary: whence nevertheleſs he was taken by the Sanhedrim; and, if upon trial he was found guilty of wilful Murder, put to death. *If a man coms preſumtuouſly upon his Neighbour to ſlay him with guile, thou ſhalt take him from my altar, that he may dy.* Sect. 14. *Citys of Refuge.* Numb. 35. Exod. 21. 14.

INHERITANCES, being thus introduc'd by the Lot were immovably intail'd on the Proprietors and their Heirs for ever, by the inſtitution of the Jubile, or the return of Lands, however ſold or ingag'd, once in fifty years to the antient Proprietor, or his lawful Heir. Yet remain'd there two ways wherby Lots might be accumulated; the one by caſual Inheritance, the other by marriage with an Heireſs; as in the caſe of ZELOPHEDAD, or of his Daughters. Sect. 15. *The Jubile.* Num. 36.

NOW to bring the whole reſult of theſe hiſtorical parts, thus prov'd, to the true Political Method or Form, the Commonwealth inſtituted by MOSES was according to this Model. Sect. 16.

THE whole People of Iſrael *(thro a popular diſtribution of the Land of* Canaan *among themſelves by Lot, and the fixation of ſuch a popular Balance by their* Agrarian *Law, or Jubile, intailing the inheritance of each Proprietor upon his Heirs for ever) was locally divided into twelve Tribes.* The Model of the Commonwealth of *Iſrael*.

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EVERY Tribe had a double capacity, the one Military, the other Civil.

A TRIBE, in its Military capacity, consisted of one Staff or Standard of the Camp, under the leading of its distinct and hereditary Prince, as Commander in chief; and of its Princes of Familys or chief Fathers, as Captains of thousands and Captains of hundreds.

A TRIBE, in its Political capacity, was next and immediatly under the government of certain Judicatorys, sitting in the Gates of its Citys; each of which consisted of twenty three Elders, elected for life, by free suffrage.

THE Soverain Power, and common Ligament of the twelve Tribes, was the Sanhedrim of Israel, *and the* Ecclesia Dei, *or Congregation of the Lord.*

THE Sanhedrim was a Senat, consisting of seventy Elders for life, so instituted by the free Election of six Competitors, in and by each Tribe; every Elder, or Senator of the Sanhedrim being taken out of this number of Competitors by the Lot.

THE Congregation of the Lord was a Representative of the People of Israel, *consisting of twenty four thousand, for the term of one month; and perpetuated by the monthly Election of two thousand Deputys of the People in each Tribe.*

THE Sanhedrim, upon a Law made, was a standing Judicatory of Appeal from the Courts in the Gates, throout the Tribes; and upon a Law to be made, whatever was propos'd by the Sanhedrim, and resolv'd in the affirmative by the Congregation of the Lord, was an Act of the Parlament of Israel.

OF this Frame says Moses to the People (as well he might) *Behold, I have taught you Statutes and Judgments, even as the Lord my God commanded me, that ye should do so in the Land whither you go to possess it. Keep therfore, and do them; for this is your Wisdom, and your Understanding in the sight of the Nations, which shall hear all these Statutes, and say, Surely this great Nation is a wise and understanding People.* In another place, upon the People's observing this form, he pronounces all the choicest Blessings; and in case of violation of the same, a long enumeration of most dreadful Curses, among which he has this: *The Lord shall bring thee, and thy King which thou shalt set over thee, to a Nation which neither thou nor thy Fathers have known; and there shalt thou serve other Gods, Wood and Stone.* In which words, first he charges the King upon the People as a Creature of their own, and next opposes his Form pointblank to Monarchy; as is farther apparent in the whole Antithesis running throout that Chapter. To the neglect of these Orders may be apply'd those words of David: *I have said that ye are Gods—but ye shall dy like Men, and fall like one of the Princes.* But this Government can with no countenance of Reason, or testimony of Story, give any man ground to argue from the Frame thus instituted by Moses, that a Commonwealth rightly order'd and establish'd, may by any internal cause arising from such Orders, be broken or dissolv'd; it being most apparent, that this was never establish'd in any such part as could possibly be holding. Moses dy'd in the Wilderness: and tho Joshua, bringing the People into the promis'd Land, did what he could, during his Life, towards the establishment of the Form design'd by Moses; yet the hands of the People

Deut. 4. 5, 6.

Deut. 28. 36.

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People, especially after the death of JOSHUA, grew slack, and they rooted not out the *Canaanits*, which they were so often commanded to do; and without which it was impossible their Commonwealth should take any root. Nevertheless, settled as it could be, it was in som parts longer liv'd than any other Government has yet bin; as having continu'd in som sort from MOSES, to the dispersion of the *Jews* in the Reign of the Emperor ADRIAN; being about one thousand seven hundred years. But that it was never establish'd according to the necessity of the Form, or the true intent of MOSES, is that which must be made farther apparent throout the sequel of the present Book; and first, in the state of the *Israelits* under their Judges. Chap. 3.

CHAP. III.

Shewing the Anarchy, or State of the Israelits *under their Judges.*

THE Frame of that which I take to have bin the ordinary Congregation or Representative of the People of *Israel*, is not perfectly shewn in Scripture, till the time of DAVID; when, tho it has nothing in it of a Monarchical Institution, it is found intirely remaining, and perfectly describ'd in these words: *Now the children of* Israel *after their number, to wit, the chief Fathers, and Captains of thousands and hundreds, and their Officers that serv'd the King in any matter of the Courses, which came in, and went out month by month, throout all the months in the year; of every Course were twenty and four thousand men.* The Polls of the People, as they have bin hitherto shewn, were taken before their plantation in *Canaan*, where before they had Kings, they had grown (according to the account of PAUL) *four hundred and fifty years*; during which time, that they were excedingly increas'd, appears by the Poll of Military age taken by DAVID, and amounting to one Million three hundred thousand: yet could this Assembly of *the Children of* Israel *after their number*, in one year, by monthly rotation, take in the whole body of them. How these, being a Representative of the People, and thus changeable, could be otherwise collected than by the monthly election of two thousand in each Tribe, is not imaginable. And that both a Representative of the People they were, and thus changeable, is by the clear words of Scripture, and the nature of the business upon which occasion they are describ'd, undeniably evinc'd: for DAVID proposing, and the People resolving, they make SOLOMON King, and ZADOC Priest. This Assembly (besides the Military Disciplin therof, in which it differ'd little from the Customs of such other Commonwealths as have bin great and martial) had not only a Civil, but a Military Office or Function, as the standing Guard or Army of this Country; which, tho small, and lying in the very Teeth of its Enemys, could thus, by taking in every man but for one month in a whole year, so equally distribute a Burden, to have bin otherwise intolerable to all, that it might be born by a few, and scarce felt by any. This Epitome of that Body (already describ'd under the leading of the several Princes of the Tribes, with their Staves, and Standards of the Camp) seems to have bin commanded by Lieutenants of the Princes, or Tribuns of the respective Tribes:

Sect. 1. *A full Description of the Representative of the People of* Israel.

1 Chr. 27.

Acts 13. 20.

2 Sam. 24. 9.

1 Chr. 29. 22.

For,

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Book II. Ver. 2, 3. For, *over the firſt courſe, for the firſt month, was* JASHOBEAM *the Son of* ZABDIEL (of the Children of PEREZ, or of the Family of the *Pharzits*, in the Catalog of JUDAH) *and of his courſe were four and twenty thouſand.*

IN this caſe the Princes did not lead in perſon, but reſided in their Tribes for the Government of the ſame; whence, upon extraordinary occaſions, they ſent extraordinary Recruits: or in caſe of ſolemn War, or ſom weighty affair, as the trial of a Tribe or the like, led up in perſon, with their Staves and Standards; an Ordinance, whether we regard the military or civil uſe of it, never enough to be admir'd.

Sect. 2. *That this Repreſentative was us'd in the time of the Judges.* Judg. 2. 6. Judg. 3. 3.

IT is true, while, the whole People being an Army, MOSES could propoſe to them in body, or under their Staves and Standards of the Camp; as he needed not, ſo he us'd not any Repreſentative. But when JOSHUA *had let the People go*, and *the Children of* Iſrael *went every man to his Inheritance, to poſſeſs the Land*; how was it poſſible they ſhould poſſeſs any thing *(while the five Lords of the* Philiſtins, *and all the* Canaanits *and the* Sidonians, *and the* Hivits, remain'd yet among them unconquer'd) without the wing of ſom ſuch Guard or Army as this, under which to ſhelter themſelves? How was it equal, or poſſible, that a few of the People upon the guard of the whole, ſhould be without relief, or ſuſtain all the burden? Or how could every man be ſaid to go *to his Inheritance to poſſeſs it*, unleſs they perform'd this or the like duty, by turns or courſes? Theſe things conſider'd, there is little doubt but this Congregation was, according to the Inſtitution of MOSES, put in practice by JOSHUA.

Sect. 3. *The diſſolution of the Moſaical Commonwealth.*

THUS ſtood both the Sanhedrim, and the Congregation, with the inferior Courts, and all the Superſtructures of the *Moſaical* Commonwealth, during the life of JOSHUA, and the Elders of the Sanhedrim that outliv'd him; but without any ſufficient root for the poſſible ſupport of it (the *Canaanits* not being deſtroy'd) or with ſuch roots only as were full of worms. Wherfore, tho' *the People ſerv'd the Lord all the days of* JOSHUA, *and all the days of the Elders that outliv'd* JOSHUA; yet after the death of theſe, they *did evil in the ſight of the Lord.* *And an Angel* (a Meſſenger or Prophet) *of the Lord came up from* Gilgal *to* Bochim, *and ſaid, I made you go up out of the Land of* Egypt, *and have brought you into the Land which I ſwore to your Fathers; and I ſaid, I will never break my Covenant with you: And ye ſhall make no League with the Inhabitants of this Land, ye ſhall throw down their Altars: but ye have not obey'd my Voice: Why have you don this? Wherfore I alſo ſaid, I will not drive them out from before you: but they ſhall be as Thorns in your ſides, and their Gods ſhall be a ſnare to you.* Upon the ſeveral Contents of which places, ſays JOSEPHUS, *The* Iſraelits (after the death of JOSHUA, and the Elders that outliv'd him) *neglecting their Arms, betook themſelves to Tillage; and effeminated with Peace, gave their minds rather to what was eaſy and pleaſing, than what was ſecure or honourable: forgetful of the Laws of God, and of their Diſciplin. Wherupon God being mov'd to anger, admoniſh'd them by a Prophet, that in ſparing the* Canaanits, *they had diſobey'd him; and that in caſe they perſiſted, for his Mercys neglected they ſhould taſt of his Juſtice. But they, tho terrify'd with the Oracle, were altogether averſe to the War; both becauſe they were brib'd by the* Canaanits, *and thro luxury were becom unapt for labor: the form of their Commonwealth being now deprav'd, and the Ariſtocratical part therof invalid; while neither the Senat was elected,*

Judg. 2. 7, 11.

Judg. 2. 1, 2.

Deut. 7. 2. ch. 12. 2.

Joſh. 23. 3. Exod. 23. 33. ch. 34 12.

Antiq. l. 5. c. 2.

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elected, nor the ſolemn Magiſtrats created as formerly. In which words, Chap. 3.
the not electing of the Senat as formerly, being laid as a Crime by
JOSEPHUS to the People; he is firſt clear enough, for his part, that
the Senat was formerly elected by the People, and ought to have bin ſo
ſtill: And ſecondly, that henceforth the Election of the Senat, or San-
hedrim, was neglected by the People. So this Commonwealth, which,
thro the not rooting out of the *Canaanits*, had never any Foundation,
came now to fail alſo in her Superſtructures: for proof wherof, the
Teſtimony of Scripture is no leſs pregnant in divers places. As where Judg. 1. 3, 27, 29, &c.
JUDAH *ſaid to* SIMEON *his Brother, Com up with me into my Lot,*
that we may fight againſt the Canaanits, *and I likewiſe will go with thee*
into thy Lot: So SIMEON *went with him.* In which words you have
a League made by two Tribes, and a War manag'd by them, while
other Tribes, that is, EPHRAIM, MANASSEH, with the reſt, ſat
ſtill: wheras, if there had bin now any common ligament, as while the
Sanhedrim was in being, ſuch leaguing, and ſuch warring by particu-
lar Tribes at their own diſcretion, could not have bin. Again, wheras
to judg a Tribe pertain'd to the Sanhedrim; in the Judgment given
againſt BENJAMIN, by the Congregation of four hundred thouſand, Judg. 20.
there is no mention of the Sanhedrim at all.

NOW Government is of ſuch a nature, that where there is no Sect. 4.
Senat, there muſt be ſom King, or ſomwhat like a King, and ſuch was *No King, ſom Senat; no Senat, ſom King.*
the Judg of *Iſrael*; yet is not their reckoning valid, who from hence
compute the Monarchy of the *Hebrews*. Firſt, becauſe PAUL di- Calav. ap. Liv.
ſtinguiſhes between the Kings and the Judges. Secondly, becauſe Acts 13.
GIDEON, when he was a Judg, in refuſing to be a King, dos the like. Judg 7. 23.
Thirdly, becauſe the Judges in *Iſrael* (as Dictators in other Common-
wealths) were not of conſtant Election, but upon Emergencys only. Judg. 15. 13.
Fourthly, becauſe complaint being made to the men of JUDAH of
their Judg SAMSON, they deliver'd him to the *Philiſtins* bound;
no leſs than did the *Romans* their Conſuls to the *Samnits*. And laſtly,
becauſe SAMUEL, diſtinguiſhing to perfection between Dictatorian
and Royal Power, or between the Magiſtracy of the Judg and of
the King, ſhews plainly (in that he *hearken'd to the Voice of the Peo-*
ple) that the one being without any balance at all, was at the diſcre-
tion of the People; and that the other (not to be founded but upon
Property in himſelf, to which end he muſt *take the beſt of their Fields,*
and give them to his Servants) could no otherwiſe ſubſiſt than by hav-
ing the People at the diſcretion of the King. This difference (being
no ſmall one) excepted, the office of the King and of the Judg was
much the ſame; each conſiſting in judging the People, and going
forth with their Armys.

BUT whatever be the difference between theſe Magiſtracys, the Sect. 5.
State of the *Iſraelitiſh* Commonwealth under the Judges was both void Beſognia vezzaro ſpegnere.
of natural Superſtructures, and of the neceſſary Foundation; ſo the
Iſraelits, when they were weak, ſerv'd the *Philiſtins*, as is imply'd in the
ſpeech of the men of JUDAH to their Judg: *Knoweſt thou not that the* Judg 15. 11.
Philiſtins *are Rulers over us?--And it came to paſs when* Iſrael *was ſtrong,*
that they put the Canaanits *to tribute, and did not utterly drive them out.*
Which, as it was contrary to the Command of God, ſo was it pointblank
againſt all Prudence; for thus neither made they to themſelves Friends,
nor did they ruin their Enemys: which proceding, as it far'd with
this Commonwealth, and was obſerv'd by HERENNIUS in that Livy.

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Book II. of the *Samnits*, is the certain perdition of a People.

Sect. 6. *The Anarchy of* Israel. Judg. 17. 6. 18. 1. 19. 1. 21. 25. Judg. 20.

OF the disorder of this People upon the dissolution of the Mosaical Commonwealth, it is often said that *there was no King in* Israel: *every man did that which was right in his own eys.* That is, at the times related to by these expressions, there was neither Sanhedrim, nor Judg, in *Israel:* so every man, or at least every Tribe govern'd it self as it pleas'd. Which, nevertheless, is not so generally to be understood, but that the Tribes (without either Judg or Sanhedrim) marching up with their Standards and Staves of the Camp, not only assembl'd the Congregation in the usual place at *Mizpeh*, but there condemn'd BENJAMIN for the rape of the *Levit's* Concubine; and marching thence to put their Decree in execution, reduc'd that obstinat Tribe, or rather destroy'd it by a Civil War.

Sect. 7. *The rise of the* Hebrew *Monarchy* 1 Sam. 4. 3. 1 Sam. 7. 3.

WHEN in this, and divers other ways, they had pamper'd their Enemys, and exhausted themselves, they grew (as well they might) out of love with their Policy; especially when after impious expostulation *(Wherfore has the Lord smitten us this day before the* Philistins?) they had, as it were, stak'd their God (*let us fetch the Ark---that it may save us*) and the Ark being taken by the Enemy, they fell to Idolatry. To this it happen'd, that tho upon Repentance succes was better, God having miraculously discomfited the *Philistins* before them; yet SAMUEL their Judg was old, and had made his two Sons (being *takers of Bribes, and perverters of Justice*) Judges over *Israel.* Wherupon, there was no gainsaying, but a King they must and would have.

CHAP. IV.

Shewing the State of the Israelits *under their Kings, to the Captivity.*

Sect. 1. *The Method of this part.*

FOR Method in this part, I shall first observe the Balance or Foundation, then the Superstructures of the *Hebrew* Monarchys; and last of all, the Story of the *Hebrew* Kings.

Sect. 2. *The Balance of this Monarchy.* 1 Sam. 8. 11, 14.

THE Balance necessary to Kingly Government, even where it is regulated or not absolute, is thus describ'd by SAMUEL: *This will be the manner of the King that shall reign over you: He will take your Fields, your Vineyards, and your Oliveyards, even the best of them, and give them to his Servants.* That is, there being no provision of this kind for a King, and it being of natural necessity that a King must have such an Aristocracy or Nobility as may be able to support the Monarchy (which otherwise, to a People having equal shares in property, is altogether incompatible) it follows that he must take your Fields, and give them to his Servants, or Creatures.

THIS notwithstanding could not SAUL do, in whose time the Monarchy attain'd not to any balance, but was soon torn from him like the lap of a Garment. The Prince who gave that balance to this Monarchy, which it had, was DAVID: for besides his other Conquests, by which he brought the *Moabits*, the *Syrians* of *Damascus*, the *Ammonits*, the *Amalekits*, the *Edomits*, to his Obedience, and extended his Border to the river *Euphrates*; *he smote the* Philistins, *and subdu'd them, and took* Gath *and her Towns, out of the hand of the* Philistins. 2 Sam. 8. 1. 1 Chron. 11.

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liſtins. Now this Country which DAVID thus took, was part of the Land given to the People of God, and which was by the Law of MOSES to have bin divided by Lot to them. Wherfore if this diviſion follow'd not, but DAVID having taken this Country, did hold it in his particular Dominion or Property; then tho he took not from the People any thing wherof they were in actual poſſeſſion, yet, as to their legal Right, took he from them (as SAMUEL had forewarn'd) *their Fields, their Vineyards, and their Oliveyards, even the beſt of them, and gave them to his Servants*, or to a Nobility, which by this means he introduc'd. Chap. 4.

The firſt Order of the Nobility thus inſtituted, were, as they are term'd by our Tranſlators, DAVID's Worthys: to theſe may be added, the great Officers of his Realm and Court, with ſuch as ſprang out of both. But however, theſe things by advantage of foren Conqueſt might be order'd by DAVID, or continu'd for the time of his next Succeſſor; certain it is, that the balance of Monarchy in ſo ſmall a Country muſt be altogether inſufficient to it ſelf, or deſtructive to the People. 2 Sam. 23. 1 Chron. 11.

THE Commonwealth of *Lacedemon*, being founded by LYCURGUS upon the like Lots with theſe deſign'd by MOSES, came, after the ſpoil of *Athens*, to be deſtroy'd by Purchaſers, and brought into one hundred hands; wherupon, the People being rooted out, there remain'd no more to the two Kings, who were wont to go out with great Armys, than one hundred Lords: nor any way, if they were invaded, to defend themſelves, but by Mercenarys, or making War upon the Penny; which, at the fartheſt it would go (not computing the difference in Diſciplin) reach'd not, in one third, thoſe Forces which the popular Balance could at any time have afforded without Mony. This ſom of thoſe Kings perceiving, were of all others the moſt earneſt to return to the popular Balance. What diſorders, in a Country no bigger than was theirs, or this of the *Iſraelits*, muſt, in caſe the like courſe be not taken, of neceſſity follow, may be at large perus'd in the ſtory of *Lacedemon*; and ſhall be fully ſhewn, when I com to the ſtory of the preſent Kings. Sect. 3. *A Parallel of the Monarchical Balances in* Iſrael *and in* Lacedemon. Plutarch *in* Agis *and* Cleomenes.

FOR the Superſtructures of DAVID's Government, it has bin ſhewn at large what the Congregation of *Iſrael* was; and that without the Congregation of *Iſrael*, and their Reſult, there was not any Law made by DAVID. The like in the whole, or for the moſt part, was obſerv'd till REHOBOAM, who, refuſing to redreſs the Grievances of the People, was depos'd by one part of this Congregation or Parlament, and ſet up by another; and to the confuſion both of Parlament and People. And DAVID (as after him JEHOSHAPHAT) did reſtore the Sanhedrim; I will not affirm, by popular Election, after the antient manner. He might do it perhaps, as he made JOAB over the Hoſt, JEHOSHAPHAT Recorder, and SERAIAH Scribe. Certain it is, the *Jewiſh* Writers hold unanimouſly, that the Seventy Elders were in DAVID's time, and by a good token; for they ſay, to him only of all the Kings it was lawful, or permitted, to enter into the Sanhedrim: which I the rather credit, for the words of DAVID, where he ſays, *I will praiſe the Lord with my whole Heart in the Council, and in the Congregation of the Upright*; which words relate to the Senat, and the Congregation of *Iſrael*. The final cauſe of the popular Congregation, in a Commonwealth, is to give ſuch a balance by their Sect. 4. *The Superſtructures of the* Hebrew *Monarchy.* 1 Sam. 8. 15. Pſal. 111. 1.

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Reſult, as may, and muſt keep the Senat from that Faction and Corruption, wherof it is not otherwiſe curable, or to ſet it upright. Yet our Tranſlation gives the words cited, in this manner: *I will praiſe the Lord with my whole Heart in the Aſſembly of the Upright, and in the Congregation.* There are other Alluſions in the *Engliſh* Pſalms, of the like nature, ſhaded in like manner: As, *God is preſent in the Congregation of God* (that is, in the Repreſentative of the People of *Iſrael*) *he judges among the Gods*, that is, among the Seventy Elders, or in the Sanhedrim. What the Orders of the *Iſraelitiſh* Monarchy in the time of DAVID were, tho our Tranſlators throout the Bible have don what they could againſt Popular Government, is clear enough in many ſuch places.

Pſal. 82. 1.

Sect. 5. *The Story of the* Hebrew *Kings.*

TO conclude this Chapter with the ſtory of the *Hebrew* Kings: Till REHOBOAM, and the diviſion (thro the cauſe mention'd) of the Congregation in his time, the Monarchy of the *Hebrews* was one, but came thenceforth to be torn in two: that of *Judah*, conſiſting of two Tribes, *Judah* and *Benjamin*; and that of *Iſrael*, conſiſting of the other ten. From which time this People, thus divided, had little or no reſt from the flame of that Civil War, which, once kindl'd between the two Realms or Factions, could never be extinguiſh'd but in the deſtruction of both. Nor was Civil War of ſo new a date among them; SAUL, whoſe whole Reign was impotent and perverſe, being conquer'd by DAVID; and DAVID invaded by his Son ABSALOM ſo ſtrongly, that he fled before him. SOLOMON, the next Succeſſor, happen'd to have a quiet Reign, by ſettling himſelf upon his Throne in the death of ADONIJAH his elder Brother, and in the depoſing of the High Prieſt ABIATHAR; yet made he the yoke of the People grievous. After him, we have the War between JEROBOAM and REHOBOAM. Then, the Conſpiracy of BAASHA againſt NADAB King of *Iſrael*, which ends in the deſtruction of JEROBOAM's Houſe, and the Uſurpation of his Throne by BAASHA, which BAASHA happens to leave to his Son ASA. Againſt ASA riſes ZIMRI, Captain of the Chariots; kills him with all his kindred, reigns ſeven days; at the end wherof he burns himſelf for fear of OMRI, who upon this occaſion is made Captain by one part of the People, as is alſo TIBNI by another. The next Prize is plaid betwen OMRI and TIBNI, and their Factions; in which TIBNI is ſlain. Upon this ſucceſs, OMRI outdoing all his Predeceſſors in Tyranny, leaves his Throne and Virtues to his Son AHAB. Againſt AHAB drives JEHU furiouſly, deſtroys him and his Family, gives the fleſh of his Queen JEZEBEL to the Dogs, and receives a Preſent from thoſe of *Samaria*, even ſeventy Heads of his Maſter's Sons in Baſkets. To ASA and JEHOSHAPHAT, Kings of *Judah*, belongs much Reverence. But upon this Throne ſat ATHALIAH; who, to reign, murder'd all her Grandchildren except one, which was JOASH. JOASH being hid by the High Prieſt, at whoſe Command ATHALIAH was ſom time after ſlain, ends his Reign in being murder'd by his Servants. To him ſuccedes his Son AMAZIA, ſlain alſo by his Servants. About the ſame time ZACHARIAH King of *Iſrael* was ſmitten by SHALLUM, who reign'd in his ſtead: SHALLUM by MANAHIM, who reign'd in his ſtead: PEKAHA the Son of MANTHIM by PEKAH one of his Captains, who reign'd in his ſtead: PEKAH

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by HOSHEA. HOSHEA having reign'd nine years, is carry'd by SALMANAZZER King of *Assyria* with the ten Tribes into Captivity. Now might it be expected that the Kingdom of *Judah* should injoy Peace: a good King they had, which was HEZEKIAH; but to him succeded his Son MANASSEH, a shedder of innocent Blood. To MANASSEH succeded his Son AMMON, slain by his Servants. JOSIAH the next, being a good Prince, is succeded by JEHOAHAZ, who being carry'd into *Egypt*, there dys a Prisoner, while JEHOIAKIM his Brother becoms PHARAOH's Tributary. The last of these Princes was ZEDEKIAH, in whose Reign was *Judah* led away Captive by NEBUCHADNEZZAR. Thus came the whole Enumeration of those dreadful Curses denounc'd by MOSES in this case, to be fulfil'd in this People; of whom it is also said, *I gave them a King in my anger, and took him away in my wrath.* Chap. 4. Deut. 28. Hos. 13. 11.

TO conclude this Story with the Resemblances or Differences that are between Monarchical and Popular Government: What Parallel can there be beyond the Storys wherby each of them are so largely describ'd in Scripture? True it is, that AHIMELEC usurp'd the Magistracy of Judg in *Israel*, or made himself King by the men of *Sichem*; that the men of *Ephraim* fought against JEPTHA, and that there was a Civil War caus'd by *Benjamin*: yet, in a Popular Government, the very womb (as they will have it) of tumult, tho never so well founded that it could be steddy, or take any sufficient root, can I find no more of this kind.

Sect. 6. *A Parallel of the Tribunitian Storms with those in the* Hebrew *Monarchys.*

BUT the Tribuns of the People in *Rome*, or the *Romans* under the Magistracy of their Tribuns, throout the whole Administration of that Government, were never quiet; but at perpetual strife and enmity with the Senat. It is very true; but first, this happen'd not from a Cause natural to a Popular Government, but from a Cause unnatural to Popular Government; yea, so unnatural to Popular Government, that the like has not bin found in any other Commonwealth. Secondly, the Cause is undeniably discover'd to have consisted in a Faction introduc'd by the Kings, and foster'd by the Nobility, excluding the Suffrage of the main body of the People thro an Optimacy, or certain rank or number admitted not by the People or their Election, but by the value of their Estates, to the Legislative Power, as the Commons of that Nation. So the State of this People was as if they had two Houses of Lords, and no House of Commons. Thirdly, this danger must have bin in any other Nation, at least in ours, much harder to be incur'd, than Authors hitherto have made it to be seen in this. And last of all, this Enmity, or these Factions, were without Blood, which in Monarchys they are not, as you saw well in those mention'd; and this Nation in the Barons Wars, and in those of *York* and *Lancaster*, besides others, has felt. Or, if at length they came indeed to Blood, this was not till the Foundations were destroy'd, that is, till the Balance of Popular Government in *Rome* was totally ruin'd; which is equally in cases of the like nature inavoidable, be the Government of what kind soever, as of late years we have bin sufficiently inform'd by our own sad Experience.

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CHAP. V.

Shewing the State of the Jews *in the Captivity, and after their return out of it; with the Frame of the* Jewiſh *Commonwealth.*

Sect. 1. *The State of the* Iſraelits *in Captivity.*

WE left the Children of *Iſrael* upon a ſad march, even into Captivity. What Orders had bin antiently obſerv'd by them during the time they were in *Egypt* (one of which, as has bin already ſhewn, was their Seventy Elders) the ſame, ſo far as would be permitted by the Princes whoſe Servants they were, continu'd in practice with them during the time of their Captivity, out of which the ten Tribes never more return'd. The two Tribes, *when ſeventy years were accompliſh'd* from the time that they were carry'd away by NEBUCHADNEZZAR, and *in the firſt year of* CYRUS *King of* Perſia, return'd the beſt part of them, not only with the King's leave and liking, but with reſtitution of the Plate and Veſſels belonging to the Temple.

Jer. 25. 12. 2 Chr. 36. 22. Ezra 1.

Sect. 2. *The Balance of the Commonwealth reſtor'd by* Zorobabel. Ezra 2. Ezra 8.

THE firſt Colony (as I may ſay) of the two Tribes, or thoſe that return'd under the Conduct of ZOROBABEL Prince of *Judah*, amounted to forty two thouſand three hundred and threeſcore, among which there were about one hundred Patriarchs or Princes of Familys. To theſe, in the reign of ARTAXERXES, came ſixteen or twenty Princes more with their Familys; among whom the Prophets HAGGAI, ZACHARIAS, and MALACHI were eminent. Som of them *could not ſhew their Fathers Houſe and their Seed, whether they were of* Iſrael. But theſe were few; for it is ſaid of them in general, That *they went every one to his own City*, or to the Inheritance of his Fathers: In which you may note the reſtitution of the Balance of the *Moſaical* Commonwealth; tho to what this might com without fixation, the Jubile being not after the Captivity in uſe, I cannot ſay. However, for the preſent, plain it is that the antient Superſtructures did alſo inſue: as in order to the putting away of the ſtrange Wives, which the People in Captivity had taken, is apparent.

Ezra 2. 59.

Sect. 3. *The Superſtructures of this Commonwealth in the time of* Ezra *and* Nehemiah.

THEIR whole Progreſs hitherto is according to the Law of MOSES; they return every man to his Inheritance by direction of his Pedegree, or according to the Houſe of his Fathers; they are led by Princes of their Familys, and are about to put away ſtrange Wives: for what reaſon then ſhould a man believe that what follows ſhould not be according to the Orders of the ſame Lawgiver? Now that which follows, in order to the putting away of theſe foren Wives, is, *Proclamation was made throout* Judah *and* Jeruſalem *to all the Children of the Captivity, that they ſhould gather themſelves to* Jeruſalem; *and that whoſoever will not com within three days, according to the counſil of the Princes and Elders, all his Subſtance ſhould be forfeited, and himſelf ſeparated from the Congregation of thoſe that had bin carry'd away.* This plainly, by the Penalty annex'd, is a Law for Baniſhment; of which kind there was none made by MOSES; and a Law made by the Princes and the Elders. What doubt then can remain, but theſe Elders were the Sanhedrim, or ſeventy Elders? But wheras neither the Sanhedrim, nor any other Senat of it ſelf has bin found to make Laws, what others can theſe Princes be that are join'd with the Elders, than

Ezra 10. 8,

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thoſe ſpoken of before; that is, the Princes of Familys, or the chief Fathers in the Congregation of them that had bin carry'd away? So the Princes and the Elders in this place may be underſtood of the Sanhedrim and the People: for thus DAVID propoſes to the Congregation of the People of *Iſrael, or the chief Fathers*, and muſt be underſtood of them; becauſe there is no ſuch thing throout the Scripture to be found, as a Law made by the Sanhedrim without the People: and if ſo, then that the Sanhedrim with the People had power to make a Law, is by this place of Scripture undeniably evinc'd. But beſides the chief Fathers, which here are call'd *Rulers of the Congregation*, and in the time of DAVID were call'd *Captains of thouſands and Captains of hundreds*, mention is alſo made of the *Elders of every City, and the Judges therof*; in which words you have the Judges in the Gates throout the Tribes of *Iſrael*, as they were inſtituted by MOSES. All which particulars being rightly ſum'd up, com to this total; That the Commonwealth reſtor'd by EZRA, was the very ſame that originally was inſtituted by MOSES.

Chap. 5.

1 Chr. 27. 1.

Ezra 10. 14.

SUCH was the Government reſtor'd by ZOROBABEL, EZRA, and NEHEMIAH. Now whether the *Jewiſh* or Cabaliſtical Commonwealth, father'd by the Preſbyterian *Jews* of latter ages upon MOSES or EZRA, be the ſame, ſhall be ſhewn by reducing the invention of theſe Men to three heads: as firſt, their *Cabala*; ſecondly, their *Ordination*; and laſt of all, their great *Synagog*.

Sect. 4. *A Tranſition to the* Cabaliſtical *or* Jewiſh *Commonwealth.*

THE *Cabala*, call'd alſo by the *Jews* the Oral Law, conſiſts of certain Traditions by them pretended at the inſtitution of the Sanhedrim to have bin verbally deliver'd to the ſeventy Elders by MOSES for the Government of the Commonwealth. Theſe were never written till after the diſperſion of the *Jews* by the Emperor ADRIAN; when, to ſave them from being loſt, they were digeſted into thoſe Volums call'd the *Talmud:* which they hold to be, and indeed are, as to matter of Fact, the authentic Records of their Government. Of the Traditions thus recorded ſays one of the *Rabbins* or *Jewiſh* Doctors: *Think not that the written Law* (or the Law of MOSES) *is fundamental, but that the Oral or Traditional Law is fundamental, it being upon this that God 'enter'd into a League with the* Iſraelits, *as it is written: After the tenor of theſe words, I have made a Covenant with thee, and with* Iſrael. *A man* (ſays another) *who returns from the ſtudy of the* Talmud *to the ſtudy of the* Bible, *can have no quiet conſcience, neither was there any peace to him that went out or came in.* The like wherof is the Talmudical way of applying Scripture throout. And it was the common Bleſſing the *Phariſes* gave their Children: *My Son, hearken to the words of a Scribe or Doctor, rather than to the Law of* MOSES. To whom ſays CHRIST hereupon, *You have made the Commandment of God of no effect by your tradition.*

Sect. 5. *The* Cabala.

Rabbi Corbulenſis. Exod. 34. 27. In codice juris Chagiga.

Zach. 8. 10.

Mat. 15. 6.

NOW as true as the *Talmud*, or as this word of a Scribe, or that MOSES deliver'd the Oral Law to the ſeventy Elders and to JOSHUA, ſo true it is that MOSES ordain'd both the ſeventy Elders and JOSHUA by the impoſition of Hands; and that this Ordination by the impoſition of Hands, together with the Oral Law, came ſucceſſively, and hand in hand from the ſeventy Elders, and from JOSHUA downright to theſe Doctors. This indeed is ſo generally affirm'd by their *Talmudiſts*, that there is no denying of it; but, that as to the ſeventy Elders it is quite contrary to Scripture, has already bin made

Sect. 6. *Ordination by Impoſition of Hands.*

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Book II. made ſufficiently apparent; for JOSHUA is acknowleg'd to have bin ordain'd by MOSES with impoſition of hands. But this Argument (beſides that the Act of MOSES was accompany'd with a miracle, and that it is abſurd to think that a thing plainly miraculous ſhould or can be receiv'd as an Order in a Commonwealth) will go no farther than that JOSHUA, upon this authority, might have elected his Succeſſor by impoſition of Hands. Let them ſhew us then that he did ſo, or indeed that he left any Succeſſor at all: for certainly if JOSHUA left no ſucceſſor ſo ordain'd, or no Succeſſor at all (which is the truth of the caſe) then deſcended there upon them no ſuch Ordination from JOSHUA; and ſo by conſequence none from MOSES. Whence it follows, that the Authority and Vogue of Ordination by the impoſition of hands among the *Jews* procedes not from the Law of MOSES, but from the Oral Law; which how bad an Authority ſoever it be to us of right, is of fact, or of what the exerciſe of Ordination was among the *Jews*, a good and ſufficient teſtimony. Now therby the condition of this Ordination (tho in ſom times of the Commonwealth it was leſs reſtrain'd) was ſuch, that no man not having receiv'd the ſame from the great Sanhedrim, or ſom one of the inferior Courts by laying on of hands, by word of mouth, or by writing, could be a Preſbyter, or capable of any Judicature or Magiſtracy in the Commonwealth, or to give Council in the Law, or any part of the Law, or to be of the Aſſembly of the great Synagog.

Sect. 7. *The great Synagog.*

WHAT the Aſſembly of the Princes and Fathers was in the time of EZRA, has bin ſhewn, and is left to the judgment of others. But this is that which the *Talmudiſts* and their Anceſtors the Cabaliſtical *Jews* (among which the *Phariſes* were of the higheſt rank) unanimouſly affirm to have conſiſted of the ſeventy Elders, and of a Juncta of fifty Preſbyters not elected by the People; but by the laying on of hands by the Sanhedrim, or by ſom other Judicatory. This, they ſay, was the inſtitution of their great *Synagog*, where I leave them: but that, according to the ſenſe wherin they cite their Authoritys, the like with them was a conſtant practice, appears not only by their own Teſtimony and Records, but is plain in Scripture; as where CHRIST ſpeaks of the *Jews* to his Apoſtles in this Manner, *They will ſcourge you in their Synagogs:* that is, the *Jews* having as yet no Law made wherby they can invade the liberty of Conſcience, or bring you for the practice therof to puniſhment, will call their great Synagog, wherin the Prieſts and the *Phariſes*, or the Sanhedrim, have at leaſt ſeven to five the overbalancing Vote over the reſt. Which alſo are their Creatures, and by theſe will eaſily carry, or make ſuch Laws wherby they may inflict upon you corporal Puniſhment: which Interpretation of Chriſt's words, was fulfil'd even to a tittle, or rather with over meaſure. For upon this occaſion the High Prieſt, and *as many as were of the kindred of the High Prieſt, were gather'd together at* Jeruſalem. That this ſame Juncta, to be in this caſe added to the Sanhedrim, was to conſiſt but of fifty, thoſe fifty not elected by the People, but choſen by the Elders of the Sanhedrim; and not out of the body of the People, but out of ſuch only as had receiv'd Ordination by the Sanhedrim, or by ſom other Court, or indeed were actually Judges in ſom other Court, was not enough, unleſs they might conſiſt alſo of *as many as were of the kindred of the High Prieſt.* Which Rights and Privi-

Grot. ad Mat. 10. 17.

Acts 4. 6.

Acts 5. 21.

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Privileges being all obſerv'd, *The High Prieſt came, and they that were with him, and call'd the Sanhedrim, and all the Preſbytery of the Children of* Iſrael: that is, ſo many of them, as being aſſembl'd in the great Synagog, repreſented *all the Preſbytery of the Children of* Iſrael, or all the Children of *Iſrael* themſelves. In this Aſſembly you have the full deſcription of the great Synagog: and *when* (in this Synagog) *they had beaten* the Apoſtles PETER and JOHN, *they commanded them that they ſhould not ſpeak in the Name of* JESUS, *and let them go.* Upon theſe proceedings there are Conſiderations of great importance; as firſt, That the Cabaliſtical Doctors themſelves did never ſo much as imagin that MOSES had indu'd the Sanhedrim alone, or ſeparatly conſider'd from the People, with any Legiſlative Power; nevertheleſs, that the Sanhedrim came into the place, and ſucceded to the whole power of MOSES, they unanimouſly held: whence, even upon their Principles, it muſt follow that in MOSES, diſtinctly and ſeparatly taken from the People, there could be no Power of making any Law. The ſecond thing remarkable in this proceding, is, That the moſt corrupt Commonwealth, and in her moſt corrupt Age, had not yet the face, without ſom blind, of pretending to Legiſlative Power in a ſingle Counſil. The laſt I ſhall obſerve, is, That no poſſible ſecurity is to be given to liberty of Conſcience, but in the ſecurity of Civil Liberty, and in that only not by Laws which are otherwiſe as periſhing as flowers or fruits, but in the roots or fundamental orders of the Government. What even in theſe times muſt have follow'd, as to the liberty of Conſcience, had there bin an equal Repreſentative of the People, is apparent, in that the Captain and the Officers, imploy'd by this Synagog to apprehend the Apoſtles, *brought them without violence; for they fear'd the People, leſt they ſhould have bin ſton'd.* It is true, there is nothing with us more cuſtomary, even in the ſolemneſt places, and upon the ſolemneſt occaſions, than to upbraid the People with giddineſs from the *Hoſanna* and the *Crucifige* of the *Jews.* What may be charg'd upon a multitude not under orders, the fouler Crime it be, is the fairer Argument for ſuch Orders, as where they have bin once eſtabliſh'd, the People have not bin guilty of ſuch Crimes; at leaſt, it ſhould ſeem, that in this caſe there is great ſcarcity of Witneſſes againſt them, ſeeing the Death of SOCRATES is more laid to one People, than that of all the Martyrs to Kings: yet were the falſe Witneſſes by whom SOCRATES ſuffer'd (and by the like wherto a man in the beſt Government may chance to ſuffer) no ſooner diſcover'd, than they were deſtroy'd by the People, who alſo erected a Statue to SOCRATES. And the People who, at the Arraignment of CHRIST, cry'd, *Crucify him, crucify him*, were ſuch as the chief Prieſts mov'd or promted, and ſuch alſo as *fear'd the multitude.* Now that the People which could be promted by the chief Prieſts, or the People which could fear the People, could be no other than this pretended Repreſentative of the People, but indeed a Juncta of Couſins and Retainers, is that which, for ought I know, may be poſſible; and the rather, for what happen'd before upon the Law call'd among the *Jews, The Law of the Zealot*, which was inſtituted by MOSES in theſe words: *If thy Brother, the Son of thy Mother---intice thee, ſaying, Let us go and ſerve other Gods---thy hand ſhall be firſt upon him to put him to death---and afterwards the hand of all the People.* By this Law it is plain that, as to the true intent thereof, it relates to no other caſe than that only of Idolatry. The execution

Chap. 5.

Acts 5. 40.

Acts 5. 26.

Mark 15. 11.

Mat. 21.

Deut. 13. 6.

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execution of the ſame, according to the *Talmud*, might be perform'd by any number of the People, being not under ten, either apprehending the Party in the Fact, or upon the Teſtimony of ſuch Witneſſes as had ſo apprehended him: yet will it not be found to have bin executed by the People, but upon inſtigation of the Prieſt, as where (they interpreting the Law as they liſt) STEPHEN is ſton'd. Now if the Prieſts could have made the People do as much againſt CHRIST, what needed they have gon to PILAT for help? and if they could not, why ſhould we think that the Multitude which cry'd out *Crucify him, crucify him*, ſhould be any other than the great Synagog?

HOWEVER, that it was an Oligarchy, conſiſting of a Senat and a Preſbytery, which not only ſcourg'd the Apoſtles, but caus'd CHRIST to be crucify'd, is certain. And ſo much for the great Synagog.

Sect. 8. *The Model of the Jewiſh Common-wealth.*

THESE parts being hiſtorically laid down and prov'd, it follows that the Cabaliſtical or *Jewiſh* Commonwealth was much after this Model.

BE the capacity of bearing Magiſtracy, or giving Council upon the Law, or any part of the Law of this Commonwealth, in no other than ſuch only as are Preſbyters.

BE Preſbyters of two ſorts: the one general, the other particular.

BE Preſbyters general ordain'd by the laying on of hands of the Prince of the Sanhedrim with the reſt of the Elders, or Preſbytery of the ſame, and by no other Court without a Licence from the Prince of the Sanhedrim; and be thoſe ordain'd in this manner eligible by the major vote of the ſeventy Elders into the Sanhedrim, or into any other Court by the major vote of the Elders or Preſbytery of that Court.

BE Preſbyters particular ordain'd by any Court of Juſtice; and be theſe capable of giving Council in the Law, or in ſom particular part of the Law, according to the gift that is in them by the laying on of the hands of the Preſbytery.

BE all Preſbyters capable of nomination to the great Synagog.

BE the Sanhedrim in Law made the ſupreme Magiſtracy or Judicatory; and with a Juncta of fifty Preſbyters of their Nomination, the great Synagog.

BE the great Synagog the Legiſlative Power in this Commonwealth.

SUCH was the Government, where the word of a Scribe or Doctor was avowedly held to be of more validity than the Scripture; and where the uſual appellation of the People, by the Doctors and *Phariſees*, was *(populus terræ)* the Raſcally Rabble.

Regis ad exemplum totus componitur orbis.

Sect. 9. *Ordination in the leſſer Synagog.*

THERE were other Synagogs for other uſes, as thoſe wherin the Law was read every Sabbath-day; each of which alſo had her Ruler and her Preſbytery, with power to ordain others to this Capacity.

CHAP.

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CHAP. VI.

Shewing how Ordination was brought into the Christian *Church, and the divers ways of the same that were at divers times in use with the Apostles.*

Sect. 1. *The form introduc'd by Christ into his Church.* Matth. 19. 28.

WE do not find that CHRIST (who gave little countenance to the *Jewish* Traditions) ordain'd his Apostles or Disciples by the imposition of hands: his Apostles were twelve, whom he compares to the twelve Princes of the Tribes of *Israel*; and his Disciples were seventy, in which number it is receiv'd by Divines, that he alluded to the seventy Elders or Sanhedrim of *Israel*. So thus far the Government of the Church, instituted by CHRIST, was according to the form instituted by MOSES. But CHRIST in this form was King and Priest, not after the Institution of MOSES, who separated the *Levits* to the Priesthood; but as before MOSES, when the Royal and Priestly Function were not separated, and after the order and manner of MELCHISEDEC, who came not to the Priesthood by proving his Pedegree, as the High Priest in *Israel* by Father, or as the King Priest in *Athens* by Mother, but without Father and Mother. Or be what has bin said of MELCHISEDEC approv'd or rejected, such for the rest, as has bin shewn, was the form introduc'd by CHRIST into his Church.

Vid. Grotium, & videat Grotius, in Epist. ad Hebræos.

Sect. 2. *The first way of Ordination.* Acts 1.

CHRIST being taken up into Heaven, his Disciples or Followers in *Jerusalem* increas'd to about one hundred and twenty names; and the Apostles decreas'd by one, or by JUDAS, who *was gon to his place*. PETER, whether upon the Counsil or Determination of the eleven Apostles (as is most probable) beforehand or otherwise, stood up and spoke both to the Apostles and Disciples assembl'd upon this occasion, That *one* out of the present Assembly might be *ordain'd* an Apostle: *and they* (that is, the Congregation, or why was this propos'd to them?) *appointed two* by Suffrage; for how otherwise can an Assembly appoint? These were BARSABAS and MATTHIAS, which Names, being written in scrols, were cast into one Urn; two Lots, wherof one was a blank, and the other inscrib'd with the word *Apostle*, being at the same time cast into another Urn. Which don, they pray'd that God would shew which of the Competitors by them so made, he had chosen: when they had thus pray'd, *they gave forth their Lots*, that is, a scrol out of the one Urn, and then a name to that scrol out of the other Urn; and *the Lot fell upon* MATTHIAS, or MATTHIAS was taken; wherupon MATTHIAS was *number'd*, or rather decreed *with the eleven Apostles*. For * *Psephisma*, being a word which properly derives from such Stones or Pebbles as popular Assemblys of old were wont to ballot with or give suffrage by, not only signifys a Decree, but especially such a Decree as is made by a popular Assembly. Now if this was Ordination in the Christian Church, and of Apostolical Right, then may there be a way of Ordination in the Christian Church, and of Apostolical Right, exactly conformable to the Ballot, or way us'd by MOSES in the institution of the seventy Elders or Sanhedrim of *Israel*.

* Συγκατεψηφισθη.

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Book II.

Sect. 3. *The second way of Ordination.*

Acts 4. 4.

Acts 6.

AFTER the converſion of ſom thouſands more, moſt, if not all, of which were *Jews*, a People tho converted, yet ſo tenacious of their Laws and Cuſtoms, that even Circumciſion (hitherto not forbidden by the Apoſtles) was contínu'd among them; *the twelve Apoſtles call'd the multitude of Diſciples to them.* So MOSES, when he had any thing to propoſe, aſſembl'd the People of *Iſrael.* And when the twelve had thus call'd the Diſciples, *they ſaid, Look ye out among you ſeven men of honeſt report, full of the Holy Ghoſt and Wiſdom, whom we may appoint over this buſineſs.* So MOSES ſaid to the Congregation of *Iſrael, Take ye wiſe men, and underſtanding, and known among your Tribes, and I will make them Rulers over you.* And the ſaying of the Apoſtles pleas'd the whole multitude. So the People of *Iſrael* were wont to anſwer to MOSES, *The thing which thou ſayſt is good for us to do.* This ſaying of the Apoſtles being thought good by the whole multitude, the whole multitude elected ſeven men *whom they ſet before the Apoſtles: and when they had pray'd, they laid their hands on them.* To ſay in this place (as they do) that the Act of the People was but a Preſentation, and that the Apoſtles had power to admit or refuſe the Perſons ſo preſented, is as if one ſhould ſay, That the Act of electing Parlament men by the People of *England*, was but a Preſentation, and that the King had power to admit or refuſe the Perſons ſo preſented. And ſeeing the *Deacons* henceforth had charge of the Word, to ſay, that by this choice the Deacons receiv'd not the charge of the Word, but the care to ſerve Tables, is as if one ſhould ſay, That Parlament men by their Election receiv'd only the care to levy Mony or Proviſion for the King's Table; but if upon ſuch Election they debated alſo concerning Laws, that Power they receiv'd from the King only.

BUT if this was a way of Ordination in the Chriſtian Church, and of Apoſtolical Right, then there may be a way of Ordination in the Chriſtian Church, and of Apoſtolical Right, conſiſting in part of the Orders of the *Iſraelitiſh* Commonwealth, and in part of the Orders of the *Jewiſh* Commonwealth.

Sect. 4. *The third way of Ordination.*

1 Tim. 4. 14.

2 Tim. 1. 6.

LASTLY, PAUL writing to TIMOTHY concerning his Ordination, has in one place this expreſſion, *Neglect not the Gift that is in thee, which was given thee by propheſy, with the laying on of the hands of the Presbytery.* So the Preſbytery of a *Jewiſh* Synagog laid their hands on the Party ordain'd. And in another place he has this expreſſion: *Stir up the Gift of God which is in thee by the laying on of my hands.* So the Ruler of a *Jewiſh* Synagog did lay his hands alſo on the Party ordain'd. Moreover, the Apoſtle in theſe words, *The Gift that is in thee by laying on of hands*, tho in relation to Gifts beyond compariſon more excellent, uſes the Phraſe known upon the like occaſion to have bin common with the *Jews.* Wherfore if this were a way of Ordination in the Chriſtian Church, and of Apoſtolical Right, then may there be a way of Ordination in the Chriſtian Church exactly conformable to the *Jewiſh* Commonwealth, and be of Apoſtolical Right. Nor is it ſo ſtrange that the Apoſtles in matters of this nature ſhould comply with the *Jews*, of which ſo many were converted, ſeeing it is certain that not only the Apoſtles, but all ſuch as in theſe times were converted, did obſerve the *Jewiſh* Sabbath; nay, and that PAUL himſelf took TIMOTHY and circumcis'd him, becauſe of the *Jews*; that is, to comply with them, or to give them no offence. Nor do our Divines any where pretend impoſition of hands to be deriv'd from Chriſt, but unani-

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unanimouſly confeſs, that it was taken up by the Apoſtles from the *Jewiſh* Sanhedrim.

Sect. 5. *The Providence of God in the different way of Apoſtolical Ordination*

NOW in theſe ſeveral ways of Ordination, there is a moſt remarkable Providence of God. For wheras States and Princes in receiving of Religion are not at any point ſo jealous as of an incroachment upon their Power; the firſt way of Apoſtolical Ordination deſtroys Monarchical Power: the laſt wholly excludes the Power of the People: and the ſecond has a mixture which may be receiv'd by a Commonwealth, or by a Monarchy. But where it is receiv'd by a Commonwealth, the Impoſition of Hands coms to little; and where it is receiv'd by a Monarchy, the Election of the People coms to nothing, as may be farther conſider'd in the original and progreſs of the *Conge d' Elire.*

THE ways of Ordination or of Church Government lying thus in Scripture, the not receiving of the Chriſtian Religion is not that wherof any State or Prince thro the whole world can be any ways excuſable.

The Concluſion:

Shewing that neither GOD, *nor* CHRIST, *or the* APOSTLES, *ever inſtituted any Government Eccleſiaſtical or Civil upon any other Principles than thoſe only of Human Prudence.*

Sect. 1. *Uſes of this Book.*

TO ſum up this ſecond Book in the Uſes that may be made of it: Certain it is of the *Greec* and *Roman* Storys, that he who has not ſome good Idea or Notion of the Government to which they relate, cannot rightly underſtand them. If the like holds as to the Scripture Story, ſome light may be contributed to it by this Book. Again, if ſom gifted Men happening to read it, ſhould chance to be of the ſame judgment, it is an Argument for acquir'd Learning, in that for the *means* of acquir'd Learning, and in the means of acquir'd Learning for Univerſitys. For how little ſoever this performance be, had it not bin the faſhion with the *Engliſh* Gentry, in the breeding of their Sons, to give them a ſmack of the Univerſity, I ſhould not have don ſo much.

Sect. 2. *The preſent uſe of this Book.*

BUT letting theſe paſs. If there were Commonwealths, or Governments exerciſing Soverain Power by the Senat and the People, before that of *Iſrael*, as namely, *Gibeon:* If the inferior Orders and Courts in *Iſrael*, as thoſe inſtituted by MOSES after the advice of JETHRO a Heathen, were tranſcrib'd out of another Government tho Heathen, as namely, that of *Midian:* If the order of the Church introduc'd by CHRIST in his twelve Apoſtles and his ſeventy Diſciples, were after the pattern of *Iſrael*, namely, in the twelve Princes of the Tribes, and the ſeventy Elders: If there were three diſtinct ways of Ordination introduc'd by the Apoſtles; one exactly according to the Ballot of *Iſrael*, as namely, in the Ordination of MATTHIAS; another exactly according to the way of the *Jewiſh* Sanhedrim or Synagog, as namely, that of TIMOTHY; and a third, compos'd of theſe two, as namely, that of the *Deacons:* Then it is a clear and undeniable reſult of the whole, That *neither* GOD, *nor* CHRIST,

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Book II. *or the* APOSTLES, *ever inſtituted any Government Eccleſiaſtical or Civil upon any other Principles than thoſe only of Human Prudence.*

Sect. 3. *The Conſequence of this Uſe.*

AN Obſervation of ſuch conſequence, as, where it has bin rightly conſider'd, there the truth of Religion and of Government once planted, have taken root and flouriſh'd; and where it has not bin rightly heeded, there has Religion or the pretence of it bin the hook and the line, and the State the prey of Impoſtors and falſe Prophets, as was ſhewn in the hypocritical *Phariſees*, for ever ſtigmatiz'd by the word of Truth.

AND for Might, let her be never ſo much exalted in her ſelf, let her Sword be never ſo dreadfully brandiſh'd; the Government not founded upon Reaſon, a Creature of God, and the Creature of God whoſe undoubted right in this part is by himſelf undeniably avow'd and aſſerted, is a Weapon fram'd againſt God; and no Weapon fram'd againſt God ſhall proſper.

Sect. 4. *A tranſition to the next Book.*

THE Principles of Human Prudence, and in them the Art of Lawgiving, being ſhewn in the firſt Book, and vindicated throout the whole courſe of Scripture by this ſecond, I com in the third to ſhew a Model of Government, fram'd according to the Art thus ſhewn, and the Principles thus vindicated.

THE

THE

THIRD BOOK,

CONTAINING

A MODEL

OF

POPULAR GOVERNMENT,

Practically propos'd according to Reaſon, confirm'd by the Scripture, and agreable to the preſent Balance or State of Property in *England.*

The PREFACE,

Containing a Model of Popular Government, propos'd Notionally.

THERE is between the Diſcourſes of ſuch as are commonly call'd Natural Philoſophers, and thoſe of Anatomiſts, a large difference; the former are facil, the latter difficult. Philoſophers, diſcourſing of Elements for example, that the Body of Man conſiſts of Fire, Air, Earth and Water, are eaſily both underſtood and credited, ſeeing by common Experience we find the Body of Man returns to the Earth from whence it was taken. A like Entertainment may befal Elements of Government, as in the firſt of theſe Books they are ſtated. But the fearful and wonderful making, the admirable ſtructure and great variety of the parts of man's Body, in which the Diſcourſes of Anatomiſts are altogether converſant, are underſtood by ſo few, that I may ſay they are not underſtood by any. Certain it is, that the delivery of a Model of Government (which either muſt be of no effect, or imbrace all thoſe Muſcles, Nerves, Arterys and Bones, which are neceſſary to any Function of a well-order'd Commonwealth) is no leſs than political Anatomy. If you com ſhort of this, your Diſcourſe is altogether ineffectual; if you com home, you are not underſtood: you may, perhaps, be call'd a learned Author; but you are obſcure, and your Doctrin is impracticable. Had I only ſuffer'd in this, and not the People, I ſhould long ſince have left them to their humor; but ſeeing it is they that ſuffer by it, and not my ſelf, I will be yet more

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Book III. *more a fool, or they shall be yet wiser. Now coms into my head what I saw long since upon an* Italian *Stage, while the Spectators wanted Hoops for their sides. A Country fellow came with an Apple in his hand; to which, in a strange variety of faces, his Teeth were undoubtedly threaten'd, when enter'd a young Anatomist brimful of his last Lesson, who, stopping in good time the hand of this same Country fellow, would by no means suffer him to go on with so great an Enterprize, till he had first nam'd and describ'd to him all the Bones, Nerves, and Muscles which are naturally necessary to that motion: at which, the good man being with admiration plainly chopfallen, coms me in a third, who, snatching away the Apple, devour'd it in the presence of them both. If the People, in this case wherof I am speaking, were naturally so well furnish'd, I had here learn'd enough to have kept silence: but their eating, in the political way, of absolute necessity requires the aid of som political Anatomist; without which, they may have Appetits, but will be chopfallen. Examples wherof they have had but too many; one I think may be insisted upon without envy.*

THIS is that which was call'd The Agreement of the People, *consisting in som of these Propositions:*

The Anarchy of the Levellers.

THAT there be a Representative of the Nation consisting of four hundred Persons, or not above.

WHICH Proposition puts the Bar on the quite contrary side; this being the first example of a Commonwealth, wherin it was conceiv'd, that five hundred thousand men, or more, might be represented by four hundred. The Representation of the People in one man, causes Monarchy; and in a few, causes Oligarchy: the Many cannot be otherwise represented in a State of Liberty, than by so many, and so qualify'd, as may within the compass of that number and nature imbrace the interest of the whole People. Government should be establish'd upon a Rock, not set upon a Precipice: a Representative consisting but of four hundred, tho in the nature therof it be popular, is not in it self a Weapon that is fix'd, but has somthing of the broken Bow, as still apt to start aside to Monarchy. But the paucity of the number is temper'd with the shortness of the term, it being farther provided,

THAT this Representative be biennial, and sit not above eight Months. *But seeing a supreme Council in a Commonwealth is neither assembl'd nor dissolv'd, but by stated Orders directing upwards an irresistible strength from the root, and as one tooth or one nail is driven out by another; how is it provided that this Biennial Council shall not be a perpetual Council? Wheras nothing is more dangerous in a Commonwealth than intire Removes of Council, how is it provided that these shall be men sufficiently experienc'd for the management of Affairs? And last of all, wheras dissolution to Soverain Power is death, to whom are these after their eight months to bequeath the Commonwealth? In this case it is provided,*

THAT there be a Council of State elected by each new Representative, within twenty days after their first meeting, to continue till ten days after the meeting of the next Representative. *In which the faults observ'd in the former Order, are so much worse, as this Council consists of fewer. Thus far this Commonwealth is Oligarchy: but it is provided,*

THAT these Representatives have Soverain Power, save that in som things the People may resist them by Arms. *Which first is a flat contradiction, and next is downright Anarchy. Where the Soverain Power is not as entire and absolute as in Monarchy it self, there can be no Government*

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ment at all. It is not the limitation of Soverain Power that is the cauſe of a Commonwealth, but ſuch a libration or poize of Orders, that there can be in the ſame no number of men having the intereſt, that can have the power; nor any number of men having the power, that can have the intereſt, to invade or diſturb the Government. As the Orders of Commonwealths are more approaching to, or remote from this Maxim (of which this of the Levellers has nothing) ſo are they more quiet or turbulent. In the Religious part only, propoſing a National Religion and Liberty of Conſcience, *tho without troubling themſelves much with the means, they are right in the end.*

AND for the Military part, they provide,

THAT no man (even in caſe of Invaſion) be compellable to go out of the Country where he lives, if he procures another to ſerve in his room. *Which plainly intails upon this Commonwealth a fit Guard for ſuch a Liberty, even a Mercenary Army; for what one dos of this kind, may and will (where there is no bar) be don by all: ſo every Citizen by mony procuring his man, procures his Maſter. Now if this be work of that kind which the People in like caſes (as thoſe alſo of* Rome, *when they inſtituted their Tribuns) do uſually make, then have I good reaſon not only to think, but to ſpeak it audibly, That to ſooth up the People with an opinion of their own ſufficiency in theſe things, is not to befriend them, but to feed up all hopes of Liberty to the ſlaughter. Yet the* Leveller, *a late * Pamphlet, having gather'd out of* Oceana *the Principles by him otherwiſe well inſinuated, attributes it to the Agitators, or that Aſſembly which fram'd this wooden Agreement of the People*: That then ſom of that Council aſſerted theſe Principles, and the reaſon of them.

BUT Railery apart, we are not to think it has bin for nothing that the wiſeſt Nations have in the formation of Government as much rely'd upon the invention of ſom one man, as upon themſelves: for wheras it cannot be too often inculcated, that Reaſon conſiſts of two parts, the one Invention, the other Judgment; a People or an Aſſembly are not more eminent in point of Judgment, than they are void of Invention. Nor is there in this any thing at all againſt the ſufficiency of a People in the Management of a proper Form, being once introduc'd, tho they ſhould never com to a perfect underſtanding of it. For were the natural Bodys of the People ſuch as they might commonly underſtand, they would be (as I may ſay) wooden Bodys, or ſuch as they could not uſe; wheras their Bodys being now ſuch as they underſtand not, are yet ſuch as in the uſe and preſervation wherof they are perfect.

THERE are in Models of Government things of ſo eaſy practice, and yet of ſuch difficult underſtanding, that we muſt not think them even in Venice, *who uſe their Commonwealth with the greateſt prudence and facility, to be all, or any conſiderable number of them, ſuch as perfectly underſtand the true Reaſon or Anatomy of that Government: nor is this a preſumtuous Aſſertion, ſince none of thoſe* Venetians, *who have hitherto written of their own form, have brought the truth of it to any perfect light. The like perhaps (and yet with due acknowlegement to* Livy) *might be ſaid of the* Romans. *The* Lacedemonians *had not the right underſtanding of their Model, till about the time of* Aristotle *it was firſt written*

* A later Pamphlet call'd *XXV Querys*, uſing the Balance of Property, which is fair enough, refers it to Sir *Thomas Smith*'s 15th chap. *(de Repub. populi ingenio accommodanda)* where the Author ſpeaks not one word of Property; which is very foul.

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Book III. *by* DICEARCHUS *one of his Scholars. How egregiously our Anceſtors (till thoſe foundations were broken which at length have brought us round) did adminiſter the* Engliſh *Government, is ſufficiently known. Yet by one of the wiſeſt of our Writers (even my Lord* VERULAM*) is* HENRY *the Seventh parallel'd with the Legiſlators of antient and heroic times, for the inſtitution of thoſe very Laws which have now brought the Monarchy to utter ruin. The Commonwealths upon which* MACHIAVEL *in his Diſcourſes is incomparable, are not by him, any one of them, ſufficiently explain'd or underſtood. Much leſs is it to be expected from a People, that they ſhould overcom the like difficultys, by reaſon wherof the wiſeſt Nations (finding themſelves under the neceſſity of a change or of a new Government) induc'd by ſuch offers as promis'd fair, or againſt which they could find no exceptions, have uſually acted as men do by new Clothes; that is, put them on, that, if they be not exactly fit at firſt, they may either fit themſelves to the body in wearing, or therby more plainly ſhew wherin they can be mended even by ſuch, as would otherwiſe prove but bad workmen. Nor has any ſuch offer bin thought to have more Preſumtion, much leſs Treaſon in it, than if one conſcious of his ſkill in Architecture, ſhould offer himſelf to the Prince or State to build a more convenient Parlament houſe.* England *is now in ſuch a condition, that he who may be truly ſaid to give her Law, ſhall never govern her; and he who will govern her, ſhall never give her Law. Yet ſom will have it, that to aſſert Popular Power, is to ſow the ſeed of Civil War, and object againſt a Commonwealth, as not to be introduc'd but by Arms; which by the undeniable teſtimony of latter Experience, is of all other Objections the moſt extravagant: for if the good old Cauſe, againſt the deſire even of the Army, and of all men well affected to their Country, could be trod under foot without blood; what more certain demonſtration can there be, that (let the deliberations upon, or changes of Government, be of what kind ſoever which ſhall pleaſe a Parlament) there is no appearance that they can occaſion any Civil War? Streams that are ſtop'd may urge their Banks; but the courſe of* England, *into a Commonwealth, is both certain and natural. The ways of Nature require Peace: The ways of Peace require Obedience to the Laws: Laws in* England *cannot be made but by Parlaments: Parlaments in* England *are com to be mere Popular Aſſemblys: The Laws made by popular Aſſemblys (tho for a time they may be aw'd, or deceiv'd, in the end) muſt be popular Laws; and the ſum of popular Laws muſt amount to a Commonwealth. The whole doubt or hazard of this Conſequence remains upon one queſtion, Whether a ſingle Council conſiſting but of four hundred, indu'd both with Debate and Reſult; the Keys of whoſe Doors are in the hands of ambitious men; in the croud and confuſion of whoſe Election the People are as careleſs as tumultuous, and eaſy, thro the want of good Orders, to be deluded; while the Clergy (declar'd and inveterat Enemys of popular Power) are laying about, and ſweating in the throng, as if it were in the Vineyard; upon whoſe Benches Lawyers (being feather'd and arm'd, like ſharp and ſudden Arrows, with a privat intereſt pointblank againſt the Public) may and frequently do ſwarm, can indeed be call'd a popular Council. This, I confeſs, may ſet the whole ſtate of Liberty upon the caſt of a Dy; yet queſtionleſs it is more than odds on the behalf of a Commonwealth, when a Government labors in frequent or long ſtruggles, not thro any certain biaſs of Genius or Nature that can be in ſuch a Council, but thro the impotence of ſuch Concluſions as may go awry, and the external force or ſtate of Property now fully introduc'd: whence ſuch a Council may wander, but never find any reſt or ſettlement, except only in that natural and proper*

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proper Form of Government which is to be erected upon a mere Popular Foundation. All other ways of proceding muſt be void, as inevitably guilty of contradiction in the Superſtructures to the Foundation; which have amounted, and may amount to the diſcouragement of honeſt men, but with no other ſucceſs than to imbroil or retard Buſineſs: England *being not capable of any other permanent Form than that only of a Commonwealth; tho her ſupreme Council be ſo conſtituted, that it may be Monarchically inclin'd. This contradiction in the Frame is the frequent occaſion of contradictory Expoſtulations and Queſtions. How, ſay they, ſhould we have a Commonwealth: Which way is it poſſible that it ſhould com in? And how, ſay I, can we fail of a Commonwealth? What poſſibility is there we ſhould miſs of it?*

IF a man replys, he anſwers thus: No Army ever ſet up a Commonwealth. To the contrary, I inſtance the Army of Iſrael *under* Moses; *that of* Athens *about the time of* Alcibiades; *that of* Rome *upon the expulſion of the* Tarquins; *thoſe of* Switzerland *and* Holland. *But, ſay they, other Armies have not ſet up Commonwealths. True indeed, divers other Armys have not ſet up Commonwealths; yet is not that any Argument why our Armys ſhould not. For in all Armys that have not ſet up Commonwealths; either the Officers have had no Fortunes or Eſtates at all, but immediatly dependent upon the mere Will of the Prince, as the* Turkiſh *Armys, and all thoſe of the Eaſtern Countrys; or the Officers have bin a Nobility commanding their own Tenants. Certain it is, that either of theſe Armys can ſet up nothing but Monarchy. But our Officers hold not Eſtates of Noblemen able upon their own Lands to levy Regiments, in which caſe they would take home their People to plow, or make Hay; nor are they yet ſo put to it for their Livelihood, as to depend wholly upon a Prince, in which caſe they would fall on robbing the People: but have good honeſt Popular Eſtates to them and their Heirs for ever. Now an Army, where the Eſtates of the Officers were of this kind, in no reaſon can, in no experience ever did ſet up Monarchy. Ay but, ſay they, for all that, their Pay to them is more conſiderable than their Eſtates. But ſo much more muſt they be for a Commonwealth, becauſe the Parlament muſt pay: and they have found by experience, that the Pay of a Parlament is far better than that of a Prince. But the four hundred being Monarchically inclin'd, or running upon the intereſt of thoſe irreconcilable Enemys of Popular Power,* Divines *and* Lawyers, *will rather pay an Army for commanding, or for ſupporting of a Prince, than for obeying. Which may be true, as was acknowledg'd before, in the way; but in the end, or at the long run, for the reaſons mention'd, muſt be of no effect.*

THESE Arguments are from the Cauſe; now for an Argument to Senſe, and from the Effect: If our Armys would raiſe Mony of themſelves, or, which is all one, would make a King, why have they not made a King in ſo many years? Why did they not make one yeſterday? Why do they not to day? Nay, why have they ever bin, why do they ſtill continue to be of all others in this point the moſt averſe and refractory?

BUT if the caſe be ſo with us, that Nature runs wholly to a Commonwealth, and we have no ſuch Force as can withſtand Nature, why may we not as well have golden Dreams of what this Commonwealth may be, as of the Indys, *of* Flanders, *or of the* Sound? *The Frame of a Commonwealth may be dreamt on, or propos'd two ways; the one in Theory, or notionally, in which it is of eaſy underſtanding, but of difficult practice: The other practically, in which it is of difficult underſtanding, but of facil uſe.*

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Book III. *One of theſe ways is a Shooinghorn, and the other the Shoo; for which cauſe I ſhall propoſe both, as firſt notionally, thus:*

The Model propos'd notionally.

1. THAT the native Territory of the Commonwealth be divided, ſo equally as with any convenience it may, into fifty Tribes or Precincts.

2. THAT the People in each Tribe be diſtinguiſh'd, firſt by their Age, and next by the valuation of their Eſtates: All ſuch as are above eighteen, and under thirty, being accounted Youth; and all ſuch as are thirty or upwards, being accounted Elders. All ſuch as have under one hundred pounds a year in Lands, Goods, or Mony, being accounted of the Foot; and all ſuch as have ſo much or upwards, being accounted of the Horſe.

3. THAT each Tribe elect annually out of the Horſe of their number two Elders to be Knights; three Elders out of the ſame, and four Elders more out of the Foot of their number, to be Deputys or Burgeſſes. That the term of each Knight and Burgeſs, or Deputy ſo elected, be triennial; and that whoever has ſerv'd his triennial Term in any one of theſe Capacitys, may not be reelected into any one of the ſame, till a triennial vacation be expir'd.

4. THAT in the firſt year of the Commonwealth there be a Senat ſo conſtituted, of three hundred Knights, that the term of one hundred may expire actually; and that the hundred Knights, annually elected by two in each Tribe, take in the Senat the places of them whoſe Term coms to be thus annually expir'd.

5. THAT in the firſt year of the Commonwealth there be a Repreſentative of the People, conſiſting of one thouſand and fifty Deputys; four hundred and fifty of them being Horſe, and the reſt Foot. That this Repreſentative be ſo conſtituted, that the term of two hundred of the Foot, and of one hundred and fifty of the Horſe, expire annually; and that the two hundred Foot, and one hundred and fifty Horſe elected annually, by four of the Foot, and three of the Horſe in each Tribe, take the places in this Repreſentative of them whoſe terms com thus annually to be expir'd.

6. THAT the Senat have the whole Authority of Debate; that the Repreſentative have the whole Power of Reſult, in ſuch a manner, that whatever (having bin debated by the Senat) ſhall by their Authority be promulgated, that is, printed and publiſh'd, for the ſpace of ſix weeks; and afterwards (being propos'd by them to the Repreſentative) ſhall be reſolv'd by the People of the ſame in the Affirmative, by the Law of the Land.

THUS much may ſuffice to give implicitly a notional account of the whole frame. But a Model of Government is nothing as to uſe, unleſs it be alſo deliver'd practicably; and the giving of a Model practicably, is ſo much the more difficult, that men, not vers'd in this way, ſay of it (as they would of the Anatomy of their own Bodys) that it is impracticable. Here lys the whole difficulty: ſuch things as, trying them never ſo often, they cannot make hang together, they will yet have to be practicable; and if you would bring them from this kind of ſhifts, or of tying and untying all ſorts of knots, to the natural nerves and ligaments of Government, then with them it is impracticable. But to render that which is practicable, facil; or to do my laſt indeavor of this kind, of which if I miſs this once more, I muſt hereafter deſpair: I ſhall do two things; firſt, omit the Ballot, and then make ſom alteration in my former method.

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THEY who have interwoven the Ballot with the deſcription of a Commonwealth, have therby render'd the ſame by far the more complete in it ſelf; but in the underſtanding of their Readers, as much defective: wherfore preſuming the uſe of the Ballot throout the Orders of this Model, I ſhall refer it to practice; in which it will be a matter of as much facility, as it would have bin of difficulty in writing. And for the method I have choſen, it is the moſt natural and intelligible, being no more than to propoſe the whole practicably: firſt, in the Civil; ſecondly, in the Religious; then in the Military; and laſt of all in the Provincial part of the Model. Chap. 1.

CHAP. I.

Containing the Civil part of the Model, propos'd practicably.

SEEING it has bin ſufficiently prov'd, that Empire follows the nature of Property; that the particular kind of Empire or Government depends upon the ſpecial diſtribution (except in ſmall Countrys) of Land; and that where the Balance in Property has not bin fix'd, the nature of the Government (be it what you will) has bin floting: it is very reaſonable that, in the propoſition of a Commonwealth, we begin with a fixation of the Balance in Property; and this being not otherwiſe to be don than by ſom ſuch Laws as have bin commonly call'd *Agrarian*, it is propos'd,

1. Agrarian Laws.

THAT every one holding above two thouſand pounds a year in Land, lying within the proper Territory of the Commonwealth, leave the ſaid Land equally divided among his Sons; or elſe ſo near equally, that there remain to the eldeſt of them not above two thouſand pounds a year in Land ſo lying. That this Propoſition be ſo underſtood, as not to concern any Parent having no more than one Son, but the next Heir only that ſhall have more Sons; in ſuch ſort, as nothing be hereby taken from any man, or from his Poſterity, but that fatherly Affection be at all points extended as formerly, except only that it be with more Piety, and leſs Partiality. And that the ſame Propoſition, in ſuch Familys where there are no Sons, concern the Daughter or Daughters in the like manner.

THAT no Daughter, being neither Heir nor Coheir, have above fifteen hundred pounds in Portion, or for her preferment in Marriage. That any Daughter, being an Orphan, and having ſeven hundred pounds or upwards in Portion, may charge the State with it. That the State being ſo charg'd, be bound to manage the Portion of ſuch an Orphan for the beſt, either by due payment of the Intereſt of the ſame; or, if it be deſir'd, by way of Annuity for Life, at the rate of one hundred pounds a year, for every ſeven hundred pounds ſo receiv'd. The manner wherof being elſewhere ſhewn, is not needful to be repeated.

THAT theſe Propoſitions prevent the growing of a Monarchical Nobility, is their peculiar end: Wherfore that this ſhould hold the weight of an Objection in a popular Balance, already introduc'd thro the failure of a Monarchical Nobility, or thro a level made not by the People but by the Kings or themſelves, were prepoſterous. Yet upon this ſcore (for I ſee no other) is there ſuch Animoſity againſt the like Laws, that wiſe men have judg'd it an Indiſcretion, in ſuch as are affected to Popular Government, not to temporize in this point; at

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Book III. leaſt, till a Commonwealth were firſt introduc'd. To which Judgment I am by no means inclining: Firſt, Becauſe the whole ſtream of this kind of Government is ſo clear and pellucid, as to abhor having any thing in the bottom which may not appear at the very top. Secondly, Becauſe an *Agrarian*, not brought in with the introduction of a Commonwealth, was never yet known to be brought in after the introduction of a Commonwealth. And thirdly, Becauſe the change of Balances in States, thro the want of fixation, has bin ſo ſudden, that between the Reign of HENRY the Seventh, and that of Queen ELIZABETH, being under fifty years, the *Engliſh* Balance of Monarchical became Popular; and that of *Rome*, between the Lives of SCIPIO and of TIBERIUS GRACCHUS, being alſo under fifty years, of Popular became Monarchical. Nevertheleſs, if there remains any cure of Animoſity that may be ſafe, it muſt be prudent: And ſuch a cure (if we be not ſo abandon'd to mere fancy, as to ſacrifice all Prudence to it) there may be in the addition of this Clauſe;

Additional Clauſe to the Agrarian. *THAT no* Agrarian *Law hereby given to this Commonwealth, or to be hereafter given to the ſame, or to any Province of the ſame, be underſtood to be otherwiſe binding, than to the Generation to com, or to the Children to be born ſeven years after the enacting of the Law.*

UPON the addition of this Clauſe, it may be ſafely ſaid of theſe *Agrarian* Laws, that they concern not any man living: and for Poſterity, it is well known, that to enact a Law, is no more in their regard, than to commend a thing to their choice; ſeeing they, if ſo pleas'd, can no more be deveſted of the Power to repeal any Law enacted by their Anceſtors, than we are of repealing ſuch Laws as have bin enacted by ours.

TO this it may be objected, That *Agrarian* Laws, being once enacted, muſt have brought Eſtates to the ſtandard of the ſame, before Poſterity can com into a Capacity to judg of them. But this is the only means wherby Poſterity can com to a true capacity to judg of them: Firſt, becauſe they will have had experience of the Laws wherof they are to judg: And ſecondly, becauſe they will be void of all ſuch imaginary Intereſts as might corrupt their Judgment, and do now certainly corrupt ours.

The firſt Parallel. THE Balance of the Commonwealth of *Iſrael*, thro the diſtribution of Lands at the introduction of the ſame, became Popular; and becoming Popular, was fix'd by the Law for the Jubile. *That which*

Deut 25. 28. *was ſold, ſhall remain in the hands of them that bought it till the year of Jubile; and in the Jubile it ſhall go out, and he ſhall return to his poſſeſſion.* The ways in *Iſrael*, and in the Commonwealth propos'd, where the Popular Balance is not made but found, are divers; but the *Agrarian* Laws in each, as to the end, which is the preſervation of the Balance, are of a like effect.

TO riſe thus from true Foundations to proper Superſtructures, the firſt ſtep from the Balance thus fix'd into the Orders of a Commonwealth, is not otherwiſe to be taken than by certain Diſtributions or Diviſions of the People, wherof ſom are to be perſonal, and ſom local.

Freemen and Servants. THE firſt perſonal diviſion of a People, is into Freemen and Servants. Freemen are ſuch as have wherwithal to live of themſelves; and Servants, ſuch as have not. This diviſion therfore is not conſtitutive, but naturally inherent in the Balance; nor, ſeeing all Government is in the direction of the Balance, is it poſſible for the Superſtructure

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ſtructures of any to make more Freemen than are ſuch by the nature of the Balance, or by their being able to live of themſelves. Chap. 1.

ALL that could in this matter be don, even by MOSES himſelf, is contain'd in this Proviſo: *If thy Brother that dwells by thee be grown poor, and be ſold to thee, thou ſhalt not compel him to ſerve as a bond-ſervant: but as a hir'd ſervant, and a ſojourner he ſhall be with thee, and ſhall ſerve thee to the Year of Jubile. And then ſhall he depart from thee, both he and his Children with him, and ſhall return to his own Family, and to the Poſſeſſion of his Fathers ſhall he return.* *The ſecond Paral'el.* Levit. 25. 29.

THE nature of Riches conſider'd, this diviſion into Freemen and Servants is not properly conſtitutive, but as it were natural. To com to ſuch Diviſions as are both perſonal and conſtitutive, it is propos'd,

THAT all Citizens, that is, Freemen, or ſuch as are not Servants, be diſtributed into Horſe and Foot. That ſuch of them as have one hundred pounds a year in Lands, Goods or Mony, or above that proportion, be of the Horſe; and all ſuch as have under that proportion, be of the Foot. 3. Horſe and Foot.

THAT all Elders or Freemen, being thirty years of Age or upwards, be capable of Civil Adminiſtration: and that the Youth, or ſuch Freemen, as are between eighteen years of Age and thirty, be not capable of Civil Adminiſtration, but of Military only; in ſuch a manner as ſhall follow in the Military part of this Model. 4. Elders and Youth.

NOW, beſides perſonal diviſions, it is neceſſary in order to the framing of a Commonwealth, that there be ſom ſuch as are local. For theſe therfore it is propos'd,

THAT the whole native, or proper Territory of the Commonwealth, be caſt, with as much exactneſs as can be convenient, into known and fix'd Precincts or Pariſhes. 5. Precinct of the Pariſh.

THAT the Elders, reſident in each Pariſh, annually aſſemble in the ſame; as for example, upon Monday next inſuing the laſt of December. *That they then and there elect out of their own number every fifth man, or one man out of every five, to be for the term of the year inſuing, a Deputy of that Pariſh; and that the firſt and ſecond ſo elected be Overſeers, or Preſidents, for regulating of all Parochial Congregations, whether of the Elders or of the Youth, during the term for which they were elected.* 6. Parochial Congregations and Deputys.

THAT ſo many Pariſhes lying neareſt together, whoſe Deputys ſhall amount to one hundred or therabout, be caſt into one Precinct call'd the Hundred. And that in each Precinct call'd the Hundred, there be a Town, Village, or place appointed to be the Capital of the ſame. 7. Precinct of the Hundred.

THAT the Parochial Deputys elected throout the Hundred, aſſemble annually; for example, upon Monday next inſuing the laſt of January, *at the Capital of their Hundred. That they then and there elect out of the Horſe of their number one Juſtice of the Peace, one Juryman, one Captain, one Inſign: and out of the Foot of their number, one other Juryman, one High Conſtable,* &c. 8. Aſſembly or Muſter of the Hundred.

THO our Juſtices of the Peace have not bin annual, yet that they may ſo be is apparent, becauſe the high Sherifs, whoſe Office is of greater difficulty, have always bin annual: ſeeing therfore they may be annual, that ſo they ought in this Adminiſtration to be, will appear, where they com to be conſtitutive of ſuch Courts as, ſhould they conſiſt of a ſtanding Magiſtracy, would be againſt the nature of a Commonwealth. But the Precincts hitherto being thus ſtated, it is propos'd,

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9. Precinct of the Tribe.

THAT every twenty Hundreds, lying neareſt and moſt conveniently together, be caſt into one Tribe. That the whole Territory being after this manner caſt into Tribes, ſom Town, Village, or place be appointed to every Tribe for the Capital of the ſame. And that theſe three Precincts, that is, the Pariſh, the Hundred, and the Tribe (whether the Deputys, thenceforth annually choſen in the Pariſhes or Hundreds, com to increaſe or diminiſh) remain firm and inalterable for ever, ſave only by Act of Parlament.

THESE Diviſions, or the like, both perſonal and local, are that in a well-order'd Commonwealth, which Stairs are in a good houſe; not that Stairs in themſelves are deſirable, but that without them there is no getting into the Chambers. The whole matter of Coſt and Pains, neceſſary to the introduction of a like Model, lys only in the firſt Architecture, or building of theſe Stairs; that is, in ſtating of theſe three Precincts: which don, they lead you naturally and neceſſarily into all the Rooms of this Fabric. For the juſt number of Tribes into which a Territory thus caſt may fall, it is not very eaſy to be gueſt: yet, becauſe for the carrying on of diſcourſe it is requiſit to pitch upon ſome certainty, I ſhall preſume that the number of the Tribes, thus ſtated, amounts to fifty; and that the number of the Parochial Deputys annually elected in each Tribe, amounts to two thouſand. Be the Deputys more or fewer by the alterations which may happen in progreſs of time, it diſorders nothing. Now to aſcend by theſe Stairs into the upper Rooms of this Building, it is propos'd,

10. Aſſembly or Muſter of the Tribe.

THAT the Deputys elected in the ſeveral Pariſhes, together with their Magiſtrats and other Officers both Civil and Military, elected in their ſeveral Hundreds, aſſemble or muſter annually; for example, upon Monday next inſuing the laſt of February *at the Capital of their Tribe.*

HOW the Troops and Companys of the Deputys, with their Military Officers or Commanders thus aſſembl'd, may, without expence of time, be ſtraight diſtributed into one uniform and orderly Body, has bin elſwhere * ſhewn, and is not needful to be repeated. For their work, which at this meeting will require two days, it is propos'd,

* In *Oceana.*

11. Magiſtrats of the Tribe.

THAT the whole Body thus aſſembl'd, upon the firſt day of the Aſſembly, elect out of the Horſe of their number one High Sherif, one Lieutenant of the Tribe, one Cuſtos Rotulorum, *one Conductor, and two Cenſors. That the High Sherif be Commander in chief, the Lieutenant Commander in the ſecond place, and the Conductor in the third, of this Band or Squadron. That the* Cuſtos Rotulorum *be Muſtermaſter, and keep the Rolls. That the Cenſors be Governors of the Ballot. And that the term of theſe Magiſtracys be annual.*

THESE being thus elected, it is propos'd,

12. The Prerogative Troop.

THAT the Magiſtrats of the Tribe, that is to ſay, the High Sherif, Lieutenant, Cuſtos Rotulorum, *the Cenſors, and the Conductor, together with the Magiſtrats and Officers of the Hundreds, that is to ſay, the twenty Juſtices of the Peace, the forty Jurymen, the twenty High Conſtables, be one Troop, or one Troop and one Company apart, call'd the Prerogative Troop or Company. That this Troop bring in and aſſiſt the Juſtices of Aſſize, hold the Quarter Seſſions in their ſeveral Capacitys, and perform their other Functions as formerly.*

BY this means the Commonwealth at its introduction may imbrace the Law as it ſtands, that is, unreform'd; which is the greateſt advantage of ſuch Reformations: for to reform Laws before the introduction of

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of the Government, which is to ſhew to what the Laws in Reformation are to be brought or fitted, is impoſſible. But theſe Magiſtrats of the Hundreds and Tribes being ſuch wherby the Parlament is to govern the Nation, this is a regard in which they ought to be further capable of ſuch Orders and Inſtructions as ſhall therto be requiſit: For which cauſe it is propos'd, Chap. 1.

13. The Phylarch.

THAT the Magiſtrats of the Tribe, that is to ſay, the High Sherif, Lieutenant, Cuſtos Rotulorum, *the Cenſors, and the Conductor, together with the twenty Juſtices elected at the Hundreds, be a Court for the Government of the Tribe call'd the* Phylarch; *and that this Court procede in all matters of Government, as ſhall from time to time be directed by Act of Parlament.*

BY theſe Courts the Commonwealth will be furniſh'd with true Channels, wherby at leiſure to turn the Law into that which is ſufficiently known to have bin its primitive Courſe, and to a perfect Reformation by degrees, without violence. For as the corruption of our Law procedes from an Art inabled to improve its privat Intereſt; or from the Law upon the Bench, and the Jury at the Bar: So the Reformation of our Law muſt com from diſabling it as an Art to improve its privat Intereſt; or to a Jury upon the Bench, and the Law at the Bar, as in *Venice.*

The third Parallel. Deut. 16. 18.

JUDGES and Officers ſhalt thou make thee in all thy Gates which the Lord thy God gives thee throout thy Tribes, and they ſhall judg the People with juſt Judgment. Theſe Courts, whoſe Seſſionhouſe was in the Gates of every City, were ſhewn each of them to have conſiſted of twenty three Elders, which were as a Jury upon the Bench, giving ſentence by plurality of Votes, and under a kind of appeal to the ſeventy Elders or Senat of *Iſrael,* as was alſo ſhewn in the ſecond Book. Book 2.

THIS, or the like, by all example and beyond any controverſy, has bin, and is the natural way of Judicature in Commonwealths. The Phylarchs, with a Court or two of Appeals eligible out of the Senat and the People, are at any time with eaſe and very ſmall alteration to be caſt upon a triennial Rotation: which, in all things beſides proceding after the manner of the *Venetian* Quarancys, will be in this caſe perfect Orders.

TO return: The firſt Day's Election at the Tribe being as has bin ſhewn, it is propos'd,

14. Knights and Burgeſſes.

THAT the Squadron of the Tribe, on the ſecond day of their Aſſembly, elect two Knights and three Burgeſſes out of the Horſe of their number, and four other Burgeſſes out of the Foot of their number. That each Knight upon Election forthwith make Oath of Allegiance to the Commonwealth; or refuſing this Oath, that the next Competitor in Election to the ſame Magiſtracy, making the ſaid Oath, be the Magiſtrat; the like for the Burgeſſes. That the Knights, thus ſworn, have Seſſion in the Senat for the term of three years; and that the Burgeſſes thus ſworn be of the Prerogative Tribe, or Repreſentative of the People for the like term.

NOW wheras this Propoſition is ſufficient for the perpetuation of the Senat and the Aſſembly of the People, being once inſtituted, but not ſufficient for the full and perfect Inſtitution of them, it neceſſitats the addition in this place, not of a permanent Order, but of an Expedient for the firſt year's Election only; which may be this:

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Book III.

Expedient for the first year's Election.

" *THAT for the full and perfect Institution of the Assemblys mention'd, the Squadron of the Tribe in the first year of the Commonwealth elect two Knights for the term of one year, two other Knights for the term of two years, and lastly, two Knights more for the term of three years: the like for the Burgesses of the Horse first, and then for those of the Foot.*

BY this Expedient the Senat in fifty Tribes is constituted of three hundred Knights or Senators, wherof one hundred, by the expiration of their terms, com annually to fall; and another hundred at the same time to enter. The like for the Prerogative Tribe or Assembly of the People, which, consisting of the whole of one thousand and fifty, suffers the like alteration in one third part, or in the yearly exchange of one hundred and fifty Burgesses: By which means the Motion or Rotation of these Assemblys is Annual, Triennial, and Perpetual. For the full dispatch of the foregoing Elections there remains but one Proposition more, which is this:

15. Proviso. *THAT a Magistrat or Officer elected at the Hundred be therby excluded from being elected a Magistrat of the Tribe, or of the first day's Election: that no former Election whatsoever exclude a man from the second day's Election at the Tribe, or to be chosen a Knight or Burgess. That a man being chosen a Knight or Burgess, who before was chosen a Magistrat or Officer of the Hundred or Tribe, delegat his former Office, or Magistracy in the Hundred or the Tribe, to any other Deputy being no Magistrat nor Officer, and being of the same Hundred and of the same Order, that is, of the Horse or Foot respectively. That the whole and every part of the foregoing Orders for Election in the Parishes, the Hundreds, and the Tribes, be holding and inviolable upon such Penaltys in case of failure, as shall hereafter be provided by Act of Parlament against any Parish, Hundred, Tribe, Deputy or Person so offending.*

WITHOUT som such Provision as is contain'd in the former part of this Provision, men would be inconveniently excluded from preferment, or the Tribe oblig'd to return to the Ballot; and so to spend more time for trifles than is requir'd by their real business.

The fourth Parallel. 2 Chron. 27. THE Representative of *Israel* collected monthly by the two thousand out of each Tribe (if we consider what Method must have bin us'd in such Elections) intimats, first, that there were Subdivisions to that end in each Tribe, perhaps of the nature of our Hundreds and Parishes: Secondly, that there were qualifications in those Elections as to the Patriarchs or chief Fathers, and as to the People with their Captains of thousands, and Captains of Hundreds; which is enough thus far to approve and recommend the foregoing Propositions.

THE Senat, and the Congregation or Representative of the People, are in every Commonwealth the main Orders. The Stairs or Degrees of ascent to these being now mounted, it remains that I lead you into the Rooms of State, or the Assemblys themselves: which shall be perform'd, first, by shewing their Frame, and next by shewing their Uses or Functions. To bring you first into the Senat, it is propos'd,

16. Frame of the Senat. *THAT the Knights of the Annual Election in the Tribes take their places on Monday next insuing the last of* March *in the Senat. That the like number of Knights, whose Session determins at the same time, recede. That every Knight or Senator be paid out of the public Revenue quarterly, one hundred twenty five Pounds during his term of Session, and be oblig'd to sit in purple Robes.*

THAT

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Chap. 1.

THAT annually, upon the reception of the new Knights, the Senat procede to the election of new Magiſtrats and Counſillors. That for Magiſtrats they elect one General, one Speaker, and two Cenſors, each for the term of one year; theſe promiſcuouſly: and that they elect one Commiſſioner of the Great Seal, and one Commiſſioner of the Treaſury, each for the term of three years, and out of the new Knights only. 17. Senatorian Magiſtrats.

THIS Propoſition ſuppoſes the Commiſſioners of the Seal and thoſe of the Treaſury to conſiſt each of three, wheel'd by the annual Election of one into each Order, upon a triennial Rotation. For farther explanation of the Senatorian Magiſtracys, it is propos'd,

THAT the General and Speaker, as CONSULS of the Commonwealth, and Preſidents of the Senat, be, during the term of their Magiſtracy, paid quarterly five hundred pounds: That the Inſigns of theſe Magiſtracys be a Sword born before the General, and a Mace before the Speaker: That they be oblig'd to wear Ducal Robes; and that what is ſaid of the General in this Propoſition, be underſtood only of the General ſitting, and not of the General marching. 18. The General ſitting, and the Speaker.

THAT the General ſitting, in caſe he be commanded to march, receive Field Pay; and that a new General be forthwith elected by the Senat to ſucceed him in the Houſe, with all the Rights, Inſigns, and Emoluments of the General ſitting: And this ſo often as one or more Generals are marching. 19. The General marching.

THAT the three Commiſſioners of the great Seal, and the three Commiſſioners of the Treaſury, uſing their Inſigns and Habit, and performing their other Functions as formerly, be paid quarterly to each of them three hundred ſeventy five Pounds. 20. Commiſſioners of the Seal and of the Treaſury.

THAT the Cenſors be each of them Chancellor of one Univerſity by virtue of their Election: that they govern the Ballot; that they be Preſidents of the Council for Religion; that each have a ſilver Wand for the Inſign of his Magiſtracy; that each be paid quarterly three hundred ſeventy five Pounds, and be oblig'd to wear ſcarlet Robes. 21. The Cenſors.

THAT the General ſitting, the Speaker, and the ſix Commiſſioners aboveſaid, be the Signory of this Commonwealth. 22. The Signory.

THIS for the Senatorian Magiſtrats. For Senatorian Councils it is propos'd,

THAT there be a Council of State conſiſting of fifteen Knights, five out of each Order or Election; and that the ſame be perpetuated by the annual Election of five out of the new Knights, or laſt elected into the Senat. 23. Council of State.

THAT there be a Council for Religion conſiſting of twelve Knights, four out of each Order, and perpetuated by the annual Election of four out of the Knights, laſt elected into the Senat. That there be a Council for Trade, conſiſting of a like number, elected and perpetuated in the ſame manner. 24. Councils of Religion, of Trade.

THAT there be a Council of War, not elected by the Senat, but elected by the Council of State out of themſelves. That this Council of War conſiſt of nine Knights, three out of each Order, and be perpetuated by the annual Election of three out of the laſt Knights elected into the Council of State. 25. Council of War.

THAT in caſe the Senat adds nine Knights more out of their own number to the Council of War, the ſaid Council be underſtood by this addition to be DICTATOR of the Commonwealth for the term of three months, and no longer, except by farther Order of the Senat the ſaid Dictatorian Power be prolong'd for a like term. 26. The Dictator.

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27. The Propoſers general. *THAT the Signory have Seſſion and Suffrage, with right alſo jointly or ſeverally to propoſe, both in the Senat and in all Senatorian Councils.*

28. Provoſts, or particular Propoſers. *THAT each of the three Orders, or Diviſions of Knights in each Senatorian Council, elect one Provoſt for the term of one week; and that any two Provoſts of the ſame Council ſo elected may propoſe to their reſpective Council, and not otherwiſe.*

29. Academy. *THAT ſom fair Room or Rooms well furniſh'd and attended, be allow'd at the States charge for a free and open Academy to all comers at ſom convenient hour or hours towards the Evening. That this Academy be govern'd according to the Rules of good Breeding, or civil Converſation, by ſom or all of the Propoſers; and that in the ſame it be lawful for any man by word of mouth or by writing, in jeſt or in earneſt, to propoſe to the Propoſers.*

FROM the frame or ſtructure of theſe Councils, I ſhould paſs to their Functions; but that beſides annual Elections, there will be ſom biennial, and others emergent: in which regard it is propos'd, firſt, for biennial Elections,

30. Embaſſadors in ordinary. *THAT for Embaſſadors in ordinary, there be four Reſidences; as* France, Spain, Venice, *and* Conſtantinople: *that every Reſident, upon the Election of a new Embaſſador in ordinary, remove to the next Reſidence in the Order nominated, till having ſerv'd in them all, he returns home. That upon Monday next inſuing the laſt of* November, *there be every ſecond year elected by the Senat ſom fit Perſon, being under thirty five years of Age, and not of the Senat or popular Aſſembly: that the Party ſo elected, repair upon Monday next inſuing the laſt of* March *following, as Embaſſador in ordinary to the Court of* France, *and there reſide for the term of two years, to be computed from the firſt of* April *next inſuing his Election. That every Embaſſador in ordinary be allow'd three thouſand pounds a year during the term of his Reſidences; and that if a Reſident coms to dy, there be an extraordinary Election into his Reſidence for his term, and for the remainder of his Removes and Progreſs.*

31. Emergent Elections. *THAT all emergent Elections be made by Scrutiny, that is, by a Council, or by Commiſſioners propoſing, and by the Senat reſolving in the manner following: That all Field-Officers be propos'd by the Council of War; that all Embaſſadors extraordinary be propos'd by the Council of State; that all Judges and Serjeants at Law be propos'd by the Commiſſioners of the great Seal; that all Barons and Officers of Truſt in the Exchequer, be propos'd by the Commiſſioners of the Treaſury: and that ſuch as are thus propos'd, and approv'd by the Senat, be held lawfully elected.*

THESE Elections being thus diſpatch'd, I com to the Functions of the Senat, and firſt, to thoſe of the Senatorian Councils: for which it is propos'd,

32. Function of the Senatorian Councils. *THAT the cognizance of all matters of State to be conſider'd, or Law to be enacted, whether it be Provincial or National, Domeſtic or Foren, pertain to the Council of State. That ſuch Affairs of either kind, as they ſhall judg to require more Secrecy, be remitted by this Council, and belong to the Council of War, being for that end a ſelect part of the ſame. That the cognizance and protection both of the National Religion, and of the Liberty of Conſcience equally eſtabliſh'd in this Nation, after the manner to be ſhewn in the Religious part of this Model, pertain to the Council for Religion. That all matters of Traffic, and the regulation of the ſame, belong to the Council of Trade. That in the exerciſe of theſe ſeveral Functions, which naturally are Senatorian or Authoritative only, no Council aſſume*

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assume any other Power than such only as shall be settl'd upon the same by Act of Parlament. Chap. 1.

33. Function of the Senat.

THAT what shall be propos'd to the Senat by any one or more of the Signory or Proposers general; or whatever was propos'd by any two of the Provosts or particular Proposers to their respective Council, and upon debate at that Council shall com to be propos'd by the same to the Senat, be necessarily debatable and debated by the Senat. That in all cases wherin Power is committed to the Senat by a Law made, or by Act of Parlament, the Result of the Senat be ultimat: that in all cases of Law to be made, or not already provided for by an Act of Parlament, as War and Peace, levy of Men or Money, or the like, the Result of the Senat be not ultimat. That whatsoever is resolv'd by the Senat, upon a case wherin their Result is not ultimat, be propos'd by the Senat to the Prerogative Tribe or Representative of the People; except only in cases of such speed or secresy, wherin the Senat shall judg the necessary slowness or openness in this way of proceding to be of detriment or danger to the Commonwealth.

34. Function of the Dictator.

THAT if upon the motion or proposition of a Council or Proposer General, the Senat adds nine Knights promiscuously chosen out of their own number, to the Council of War; the same Council, as therby made Dictator, have power of Life and Death, as also to enact Laws in all such cases of speed or secresy, for and during the term of three months and no longer, except upon a new Order from the Senat. And that all Laws enacted by the Dictator be good and valid for the term of one year, and no longer; except the same be propos'd by the Senat, and resolv'd by the People.

THIS Dictatorian Council (as may already appear) consists fundamentally of the Signory, with nine Knights elected by the Council of State, additionally of nine Knights more emergently chosen by the Senat, and of the four Tribuns of course; as will appear when I com to speak of that Magistracy. Now if Dictatorian Power be indeed formidable, yet this in the first place is remarkable, that the Council here offer'd for a Dictator is of a much safer Constitution, than what among us hitherto has bin offer'd for a Commonwealth; namely, a Parlament and a Council in the interim. For here is no interim, but all the Councils of the Commonwealth not only remaining, but remaining in the exercise of all their Functions, without the abatement of any; speed and secrecy belonging not to any of them, but to that only of the Dictator. And if this Dictatorian Council has more in it of a Commonwealth than has hitherto among us bin either practis'd or offer'd, by what Argument can it be pretended that a Commonwealth is so imperfect thro the necessity of such an Order, that it must needs borrow of Monarchy; seeing every Monarchy that has any Senat, Assembly, or Council in it, therby most apparently borrows more of a Commonwealth, than there is to be found of Monarchy in this Council?

The fifth Parallel.

TO dismiss this whole Senat with one Parallel: The institution of the seventy Elders in *Israel* (as was shewn in the second Book) for their number related to an Accident, and a Custom therupon antiently introduc'd. The Accident was that the Sons of JACOB who went into *Egypt* were so many; these, first governing their Familys by natural right, came, as those Familys increas'd, to be for their number retain'd and continu'd in the nature of a Senatorian Council, while the People were yet in *Egyptian* Bondage. So we, having had no like Custom, have as to the number no like Inducement. Again, the

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Territory of *Canaan* amounted not to a fourth of our Country; and in Government we are to fit our ſelves to our own proportions. Nor can a Senat, conſiſting of few Senators, be capable of ſo many diſtributions as a Senat conſiſting of more. Yet we find in the reſtitution of the Sanhedrim by JEHOSHAPHAT, that there was AMARIAH *chief in all matters of the Lord*, that is, in judgment upon the Laws, which, having bin propos'd by God, were more peculiarly his matters; and ZEBADIAH *chief in all the King's matters*, that is, in political debates concerning Government, or War and Peace. Laſtly, *When the Children of* Ammon *made War againſt* Iſrael, *the People of* Iſrael *made* JEPHTHA *not only Captain*, but *Head over them.* So the Judg of *Iſrael*, being no ſtanding Magiſtrat, but elected upon emergencys, ſupplys the Parallel as to Dictatorian Power in a Commonwealth.

2 Chr. 19. 11.

Judg. 11. 5, 11.

DEBATE is the natural Parent of Reſult; whence the Senat throout the *Latin* Authors is call'd *Fathers*, and in *Greec* Authors the compellation of a popular Aſſembly is *Men*; as *Men of* Athens, *Men of* Corinth, *Men of* Lacedemon: nor is this Cuſtom Heathen only, ſeeing theſe Compellations are us'd to the Senat and the People of the *Jews*, not only by STEPHEN, but alſo by PAUL, where they begin their ſpeeches in this manner: *Men, Brethren, and Fathers.* To com then from the Fathers to the People, the Popular Aſſembly, or Prerogative Tribe; it is propos'd,

Act. 7. 2. & 22. 1. Luke *throout is perfectly well ſkill'd in the Cuſtoms of Commonwealths.*

35. Fabric of the Prerogative Tribe.

THAT the Burgeſſes of the annual Election return'd by the Tribes, enter into the Prerogative Tribe upon Monday next inſuing the laſt of March; *and that the like number of Burgeſſes, whoſe term is expir'd, recede at the ſame time. That the Burgeſſes thus enter'd elect to themſelves out of their own number, two of the Horſe; one to be Captain, and the other to be Cornet of the ſame: and two of the Foot; one to be Captain, the other to be Inſign of the ſame, each for the term of three years. That theſe Officers being thus elected, the whole Tribe or Aſſembly procede to the Election of four annual Magiſtrats; two out of the Foot, to be Tribuns of the Foot: and two out of the Horſe, to be Tribuns of the Horſe. That the Tribuns be Commanders of this Tribe in chief, ſo far as it is a Military Body; and Preſidents of the ſame, as it is a civil Aſſembly. And laſtly, that this whole Tribe be paid weekly as follows. To each of the Tribuns of Horſe, ſeven pounds. To each of the Tribuns of Foot, ſix pounds. To each of the Captains of Horſe, five pounds. To each of the Captains of Foot, four pounds. To each of the Cornets, three pounds. To each of the Inſigns, two pounds ſeven ſhillings. To every Horſeman two pounds, and to every one of the Foot one pound ten ſhillings.*

FOR the Salarys of the Senat and the People together, they amount not to three hundred thouſand pounds a year; which is cheaper by near two parts in three, than the chief Magiſtracy ever did or can otherwiſe coſt: for if you give nothing *(omnia dat qui juſta negat)* men will be their own Carvers. But to procede, it is propos'd,

36. Offices of the Officers.

THAT inferior Officers, as Captains, Cornets, Inſigns, be only for the Military Diſciplin of the Tribe. That the Tribuns have Seſſion in the Senat without ſuffrage; that they have Seſſion of courſe in the Dictatorian Council, ſo often as it is created by the Senat, and with ſuffrage. That they be Preſidents of the Court in all caſes to be judg'd by the People.

THAT

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THAT Peculat or Defraudation of the Public, and all caſes tending to the ſubverſion of the Government, be triable by this Repreſentative; and that there be an Appeal to the ſame in all Cauſes, and from all Magiſtrats, Courts and Councils, whether National or Provincial. Chap. 1. 37. Appeal to the People.

THIS Judicatory may ſeem large: but thus the Congregation of *Iſrael*, conſiſting of four hundred thouſand, judg'd the Tribe of *Benjamin*. Thus all the *Roman* Tribes judg'd CORIOLANUS. And thus Duke LOREDANO was try'd by the great Council of *Venice*, conſiſting yet of about two thouſand. *The ſixth Parallel.* Judg. 20. Halicar. Janotti.

THIS is as much as I have to ſay ſeverally of the Senat and the People; but their main Functions being joint, as they make one Parlament, it is farther propos'd,

THAT the right of Debate, as alſo of propoſing to the People, be wholly and only in the Senat; without any power at all of Reſult, not deriv'd from the People. 38. The main Function of the Senat.

THAT the power of Reſult be wholly and only in the People, without any right at all of Debate. 39. The main Function of the Prerogative Tribe.

THAT the Senat having debated and agreed upon a Law to be propos'd, cauſe promulgation of the ſame to be made for the ſpace of ſix weeks before propoſition; that is, cauſe the Law to be printed and publiſh'd ſo long before it is to be propos'd. 40. Promulgation.

THAT promulgation being made, the Signory demand of the Tribuns, being preſent in the Senat, an Aſſembly of the People. That the Tribuns, upon ſuch a demand of the Signory or of the Senat, be oblig'd to aſſemble the Prerogative Tribe in Arms by ſound of Trumpet, with Drums beating and Colors flying, in any Town, Field, or Market-place being not above ſix miles diſtant, upon the day and at the hour appointed; except the meeting, thro any inconvenience of the weather or the like, be prorogu'd by the joint conſent of the Signory and the Tribuns. That the Prerogative Tribe being aſſembl'd accordingly, the Senat propoſe to them by two or more of the Senatorian Magiſtrats, thereto appointed at the firſt promulgation of the Law. That the Propoſers for the Senat open to the People the Occaſion, Motives, and Reaſons of the Law to be propos'd; and the ſame being don, put it by diſtinct Clauſes to the Ballot of the People. That if any material Clauſe or Clauſes be rejected by the People, they be review'd by the Senat, alter'd, and propos'd (if they think fit) to the third time, but no oftner. 41. Manner of Propoſition.

THAT what is thus propos'd by the Senat, and reſolv'd by the People, be the Law of the Land, and no other, except as in the caſe reſerv'd to the Dictatorian Council. 42. Act of Parlament.

THE Congreation of *Iſrael* being monthly, and the Repreſentative propos'd being annual and triennial, they are each upon Courſes or Rotation: the Congregation of *Iſrael* conſiſting of twenty four thouſand, in which the whole number of the Princes of the Tribes and of the Princes of the Familys amounted not, I might ſay, to one hundred, but will ſay to one thouſand; it follows, that the lower ſort in the Congregation of *Iſrael* held proportion to the better ſort, above twenty to one. Wheras in the Repreſentative propos'd, the lower ſort hold proportion to the better ſort but ſix to four; and that popular Congregation where the lower ſort hold but ſix to four, is by far the moſt Ariſtocratical that is or ever was in any well-order'd Commonwealth, except *Venice:* but if you will have that Gentry to be all of one ſort, or if you allow them to be of a better and of a meaner ſort, *Venice* is not excepted. The Sanhedrim made no Law without *The ſeventh Parallel.*

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Book III. the People; nor may the Senat in this Model: but the Sanhedrim with the Congregation, might make Laws; ſo may the Senat, in our Model, with the Repreſentative of the People. Laſtly, as the Congregation in *Iſrael* was held either by the Princes in perſon, with their Staves and Standards of the Camp, or by the four and twenty thouſand in Military Diſciplin; ſo the Repreſentative propos'd is in the nature of a Regiment.

Ezra 10. 8.

EXCEPTING *Venice*, where there is a ſhadow, and but a ſhadow of Law made by the Senat (for the Soverain Power is undeniably in the great Council) and *Athens*, where a Law made by the Senat was current as a Probationer for one year before it was propos'd to the People; there neither is nor has bin any ſuch thing in a Commonwealth as a Law made by the Senat. That the Senat ſhould have power to make Laws, reduces the Government to a ſingle Council; and Government by a ſingle Council, if the Council be of the Many, is Anarchy, as in the Aſſembly of the *Roman* People by Tribes, which always ſhook, and at length ruin'd that Commonwealth: Or, if the Council be of the Few, it is Oligarchy, as that of *Athens* conſiſting of the four hundred, who nevertheleſs pretended to propoſe to five thouſand, tho they did not. Of which ſays THUCYDIDES, *This was indeed the form pretended in words by the four hundred; but the moſt of them, thro privat ambition, fell upon that by which an Oligarchy made out of a Democracy is chiefly overthrown: for at once they claim'd every one not to be equal, but to be far the chief.* Anarchy, or a ſingle Council conſiſting of the Many, is ever tumultuous, and dos ill even while it means well. But Oligarchy, ſeldom meaning well, is a Faction wherin every one ſtriving to make himſelf, or ſom other from whom he hopes for advantages, ſpoils all. There is in a Commonwealth no other cure of theſe, than that the Anarchy may have a Council of ſom few, well choſen, and elected by themſelves, to adviſe them; which Council ſo inſtituted, is the Senat: Or that the Oligarchy have a popular Repreſentative to balance it; which both curing Tumult in the raſh and heady People, and all thoſe Corruptions which cauſe Factiouſneſs in the ſly and ſubtil Few, amount to the proper Superſtructures of a well-order'd Commonwealth. As, to return to the example of the Oligarchy in *Athens*, where the four hundred (whoſe Reign, being very ſhort, had bin as ſeditious) were depos'd; and the Soverainty was decreed to a popular Council of five thouſand, with a Senat of four hundred annually elective upon Courſes, or by Rotation. Of this ſays THUCYDIDES, *Now firſt (at leaſt in my time) the* Athenians *ſeem to have order'd their State aright, it conſiſting of a moderat temper both of the Few and the Many. And this was the firſt thing that, after ſo many misfortunes, made the City again to raiſe her Head.* But we in *England* are not apt to believe, that to decree the Soverainty to thouſands, were the way to make a City or a Nation recover of its Wounds, or to raiſe its Head. We have an averſion to ſuch thoughts, and are ſick of them. An Aſſembly of the People Soverain! Nay, and an Aſſembly of the People conſiſting in the major vote of the lower ſort! Why, ſure it muſt be a dull, and unſkilful thing. But ſo is the Touchſtone in a Goldſmith's Shop, a dull thing, and altogether unſkill'd in the Trade; yet without this, would even the Maſter be deceiv'd. And certain it is, that a well-order'd Aſſembly of the People is as true an Index of what in Government is good or great, as any Touchſtone is of Gold.

Thucyd. lib. 8.

Lib. 8.

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A COUNCIL (eſpecially if of a looſe Election) having not only the Debate, but the Reſult alſo, is capable of being influenc'd from without, and of being ſway'd by Intereſt within. There may be a form'd, a prejudic'd Party, that will haſten or outbaul you from the Debate to the Queſtion, and then precipitat you upon the Reſult: Wheras if it had no power of Reſult, there could remain to the ſame no more than Debate only, without any Biaſs, or cauſe of diverting ſuch Debate from Maturity; in which Maturity of unbiaſs'd Debate lys the final cauſe of the Senat, and the whole Light that can be given to a People. But when this is don, if your reſolving Aſſembly be not ſuch as can imbibe or contract no other Intereſt than that only of the whole People, all again is loſt: for the Reſult of all Aſſemblys gos principally upon that which they conceive to be their own Intereſt. But how an Aſſembly upon Rotation, conſiſting of one thouſand, where the Vote is ſix to four in the lower ſort, ſhould be capable of any other Intereſt than that only of the whole People by which they are orderly elected, has never yet bin, nor, I believe, ever will be ſhewn. In a like diſtribution therfore of Debate and Reſult, conſiſts the higheſt Myſtery of Popular Government; and indeed the ſupreme Law, wherin is contain'd not only the Liberty, but the Safety of the People. Chap. 1.

FOR the remainder of the Civil part of this Model, which is now but ſmall, it is farther propos'd,

43. Rule for Vacations. *THAT every Magiſtracy, Office, or Election throout this whole Commonwealth, whether annual or triennial, be underſtood of conſequence to injoin an interval or vacation equal to the term of the ſame. That the Magiſtracy of a Knight and of a Burgeſs, be, in this relation, underſtood as one and the ſame; and that this Order regard only ſuch Elections as are National or Domeſtic, and not ſuch as are Provincial or Foren.*

44. Exception from the Rule. *THAT, for an exception from this Rule, where there is but one Elder of the Horſe in one and the ſame Pariſh, that Elder be eligible in the ſame without interval; and where there be above four Elders of the Horſe in one and the ſame Pariſh, there be not above half, nor under two of them eligible at the ſame Election.*

OTHERWISE the People, beyond all manner of doubt, would elect ſo many of the better ſort at the very firſt, that there would not be of the Foot or of the meaner ſort enough to ſupply the due number of the Popular Aſſembly or Prerogative Tribe: and the better ſort being excluded ſubſequent Elections by their intervals, there would not be wherwithal to furniſh the Senat, the Horſe of the Prerogative Tribe, and the reſt of the Magiſtracys; each of which Obſtructions is prevented by this Exception. Where, by the way, if in all experience ſuch has bin the conſtant temper of the People, and can indeed be reaſonably no other, it is apparent what cauſe there can be of doubt who in a Commonwealth of this nature muſt have the leading. Yet is no man excluded from any Preferment; only Induſtry, which ought naturally to be the firſt ſtep, is firſt injoin'd by this Policy, but rewarded amply: ſeeing he who has made himſelf worth one hundred Pounds a year, has made himſelf capable of all Preferments and Honors in this Government. Where a man from the loweſt ſtate may not riſe to the due pitch of his unqueſtionable Merit, the Commonwealth is not equal: yet neither can the People, under the Limitations propos'd, make choice (as ſom object) of any other than the

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the better ſort; nor have they at any time bin ſo inclining to do, where they have not bin under ſuch Limitations. Be it ſpoken, not to the diſparagement of any man, but on the contrary to their praiſe whoſe Merit has made them great, the People of *England* have not gon ſo low in the election of a Houſe of Commons, as ſom Prince has don in the election of a Houſe of Lords. To weigh Election by a Prince with Election by a People, ſet the Nobility of *Athens* and *Rome* by the Nobility of the old Monarchy, and a Houſe of Commons freely choſen by the Nobility of the new. There remains but the *Quorum*, for which it is propos'd,

45. The *Quorum*. *THAT, throout all the Aſſemblys and Councils of this Commonwealth, the* Quorum *conſiſt of one half in the time of Health, and of one third part in a time of Sickneſs, being ſo declar'd by the Senat.*

HOW the City Government, without any diminution of their Privileges, and with an improvement of their Policy, may be made to fall in with theſe Orders, has * elſwhere bin ſhewn in part, and may be conſider'd farther at leiſure. Otherwiſe the whole Commonwealth, ſo far as it is merely Civil, is in this part accompliſh'd. Now as of neceſſity there muſt be a natural Man, or a Man indu'd with a natural Body, before there can be a ſpiritual Man, or a Man capable of Divine Contemplation; ſo a Government muſt have a Civil, before it can have a Religious part: And if a man furniſht only with natural parts can never be ſo ſtupid as not to make ſom Reflections upon Religion, much leſs a Commonwealth; which neceſſitats the Religious part of this Model.

* *In* Oceana.

CHAP. II.

Containing the Religious Part of this Model, propos'd practicably.

THERE is nothing more certain or demonſtrable to common Senſe, than that the far greater part of Mankind, in matters of Religion, give themſelves up to the public Leading. Now a National Religion rightly eſtabliſh'd, or not coercive, is not any public driving, but only the public leading. If the Public in this caſe may not lead ſuch as deſire to be led by the Public, and yet a Party may lead ſuch as deſire to be led by a Party; where would be the Liberty of Conſcience as to the State? Which certainly in a well-order'd Commonwealth, being the public Reaſon, muſt be the public Conſcience. Nay, where would be the Liberty of Conſcience in reſpect of any Party which ſhould ſo procede as to ſhew, that without taking their Liberty of Conſcience from others, they cannot have it themſelves? If the Public, refuſing Liberty of Conſcience to a Party, would be the cauſe of Tumult, how much more a Party refuſing it to the Public? And how, in caſe of ſuch a Tumult, ſhould a Party defend their Liberty of Conſcience, or indeed their Throats from the whole or a far greater Party, without keeping down or tyrannizing over the whole or a far greater Party by force of Arms? Theſe things being rightly conſider'd, it is no wonder that Men, living like men, have not bin yet found without a Government, or that any Government has not bin yet found without

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out a National Religion; that is, ſom orderly and known way of public leading in divine things, or in the Worſhip of God. Chap. 2.

A NATIONAL Religion being thus prov'd neceſſary, it remains that I prove what is neceſſary to the ſame; that is, as it concerns the State, or in relation to the Duty of the Magiſtrat.

CERTAIN it is, that Religion has not ſeen corruption but by one of theſe three cauſes; ſom Intereſt therwith incorporated, ſom ignorance of the truth of it, or by ſom complication of both. Nor was ever Religion left wholly to the management of a Clergy that eſcap'd theſe Cauſes, or their moſt pernicious Effects; as may be perceiv'd in *Rome*, which has brought Ignorance to be the Mother of Devotion, and indeed Intereſt to be the Father of Religion. Now the Clergy not failing in this caſe to be dangerous, what recourſe but to the Magiſtrat for ſafety? ſpecially ſeeing theſe Cauſes, that is, Intereſt and Ignorance (the one proceeding from evil Laws, the other from the want of good Education) are not in the right or power of a Clergy, but only of the Civil Magiſtracy. Or if ſo it be that Magiſtrats are oblig'd in duty to be *nurſing Fathers and nurſing Mothers* to the Church; Iſa. 49 23. how ſhall a State in the ſight of God be excuſable, that takes no heed or care leſt Religion ſuffer by Cauſes, the prevention or remedy wherof is in them only? To theſe therfore it is propos'd,

46. Univerſitys.

THAT the Univerſitys being prudently reform'd, be preſerv'd in their Rights and Indowments, for and towards the education and proviſion of an able Miniſtry.

WE are commanded by CHRIST to *ſearch the Scriptures:* The Joh. 5. 39. Scriptures are not now to be ſearch'd but by ſkill in Tongues: The immediat gift of Tongues is ceas'd: How then ſhould ſkill in Tongues be acquir'd but mediatly, or by the means of Education? How ſhould a State expect ſuch an Education (particularly, for a matter of ten thouſand men) that provides not for it? And what proviſion can a State make for this Education, but by ſuch Schools ſo indow'd and regulated, as with us are the Univerſitys? Theſe therfore are a neceſſary ſtep towards the prevention of ſuch Ignorance or Intereſt, as thro the infirmitys or bias of Tranſlators, Interpreters, and Preachers, both have and may frequently com to be incorporated with Religion; as alſo to the improvement or acquiſition of ſuch Light as is by the command of CHRIST to be attain'd or exercis'd in ſearching the Scriptures.

THE excellent Learning of the *Levits* in all kinds, not ordinarily infus'd, but acquir'd (there having bin among them *as well the Teacher as the Scholar)* leaves little doubt but their forty eight Citys were as ſo many Univerſitys. Theſe with their Suburbs or Indowments, contain'd in the whole (each of their Circuits in Land reckon'd at four thouſand Cubits deep) about a hundred thouſand Acres; that is, if their meaſure was according to the comon Cubit: if according to the holy Cubit (as with *Levits* was moſt likely) twice ſo much; which, at the loweſt account, I conceive to be far above the Revenues of both our Univerſitys. *The eighth Parallel.* 1 Chron 25. 8. Mal. 2. 12.

THESE being order'd as has bin ſaid, it is propos'd,

47. Augmentation of Livings.

THAT the legal and antient proviſion for the national Miniſtry be ſo augmented, that the meaneſt ſort of Livings or Benefices, without defalcation from the greater, be each improv'd to the Revenue of one hundred pounds at leaſt.

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The ninth Parallel

THIS, in regard the way is by Tithes, coms up ſo cloſe to the Orders of *Iſrael*, as, in our day, may ſhew that a Commonwealth may com too near that pattern to be lik'd. We find not indeed that the Apoſtles either took or demanded Tithes; in which caſe the Prieſts, who were legally poſſeſt of them, might have had ſuſpicion that they, under color of Religion, had aim'd at the violation of Property. But putting the caſe that generally the Prieſts had bin converted to the Chriſtian Faith, whether the Apoſtles would for that reaſon have injoin'd them to relinquiſh their Tithes? Or what is there in the Chriſtian Religion to favor any ſuch ſurmiſe? To me there ſeems abundantly enough to the contrary. For if the Apoſtles ſtuck not to comply with the *Jews* in a Ceremony which was of mere human Invention, and to introduce this, as they did Ordination by impoſition of hands, into the Chriſtian Church; that they would, upon a like inducement, have refus'd a ſtanding Law undoubtedly Moſaical, is in my opinion moſt improbable. So that, I conceive, the Law for Tithes now in being, may or may not be continu'd, at the pleaſure of the Lawgivers, for any thing in this caſe to the contrary. Confident I am, that the introducing of this Model in the whole, which is thought impracticable, were not to willing minds ſo difficult a work as the abolition of Tithes.

BUT Benefices, whether by way of Tithes or otherwiſe, being thus order'd; it is propos'd,

48. Ordination.

THAT a Benefice becoming void in any Pariſh, the Elders of the ſame may aſſemble and give notice to the Vice-Chancellor of either Univerſity by a Certificat, ſpecifying the true value of that Benefice: that the Vice-Chancellor, upon the receit of this Certificat, be oblig'd to call a Congregation of his Univerſity: that the Congregation of the Univerſity to this end aſſembl'd, having regard to the value of the Benefice, make choice of a Perſon fit for the Miniſterial Function, and return him to the Pariſh ſo requiring: that the Probationer thus return'd to a Pariſh by either of the Univerſitys, exerciſe the Office, and receive the Benefits as Miniſter of the Pariſh for the term of one year: that the term of one year being expir'd, the Elders of the Pariſh aſſemble and put the Election of the Probationer to the Ballot: that if the Probationer has three parts in four of the Balls or Votes in the Affirmative, he be therby ordain'd and elected Miniſter of that Pariſh; not afterwards to be degraded or remov'd, but by the Cenſor of the Tribe, the Phylarch of the ſame, or the Council of Religion in ſuch caſes as ſhall be to them reſerv'd by Act of Parlament: That in caſe the Probationer coms to fail of three parts in four at the Ballot, he depart from that Pariſh; and if he returns to the Univerſity, it be without diminution of the former Offices or Preferments which he there injoy'd, or any prejudice to his future Preferment: and that it be lawful in this caſe for any Pariſh to ſend ſo often to either Univerſity, and it be the duty of either Vice-Chancellor upon ſuch Certificats to make return of different Probationers, till ſuch time as the Elders of that Pariſh have fitted themſelves with a Miniſter of their own choice and liking.

IN caſe it was thought fit that a Probationer thus elected ſhould, before he departs, receive impoſition of hands from the Doctors of the Univerſity, I cannot ſee what the moſt ſcrupulous in the matter of Ordination could find wanting. But let this be ſo, or otherwiſe, it is indifferent. The Univerſitys by propoſing to the Congregation in every Pariſh, do the Senatorian Office; and the People, thus

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thus fitting themſelves by their Suffrage or Ballot, reſerve that Office which is truly popular, that is the Reſult, to themſelves. Chap. 2.

MOSES (for ſo far back the Divines reach at Ordination) in the inſtitution of the Senat of *Iſrael*, wherin he can never be prov'd to have us'd impoſition of hands, performing the Senatorian Office, caus'd the People to take wiſe men, and underſtanding, and known among their Tribes, wherof the Lot fell upon all but ELDAD and MEDAD. And the Apoſtles doing the Senatorian Office, in like manner without impoſition of hands, caus'd the whole Congregation to take two, wherof the lot of Apoſtleſhip fell upon MATTHIAS. So that this way of Ordination being that which was inſtituted by MOSES, and the chief or firſt of thoſe which were us'd by the Apoſtles, is both Moſaical and Apoſtolical. Nor has a well-order'd Commonwealth any choice left of thoſe other ways of Ordination, us'd by the Apoſtles in complaiſance to worſe ſort of Government; but is naturally neceſſitated to this, that is, to the very beſt. *The tenth Parallel.* Deut. 1. Numb. 11. Acts 1. 26. *See Book 2. chap. 8.*

ORDINATION being thus provided for, it is propos'd,

THAT the National Religion be exercis'd according to a Directory in that caſe to be made, and publiſh'd by Act of Parlament. That the National Miniſtry be permitted to have no other public Preferment or Office in this Commonwealth. That a National Miniſter being convict of Ignorance or Scandal, be movable out of his Benefice by the Cenſors of the Tribe, under an appeal to the Phylarch, or to the Council of Religion. 49. National Religion; and proviſion againſt ſcandalous Miniſters.

THAT no Religion, being contrary to or deſtructive of Chriſtianity, nor the public exerciſe of any Religion, being grounded upon or incorporated into a foren Intereſt, be protected by or tolerated in this State. That all other Religions, with the public exerciſe of the ſame, be both tolerated and protected by the Council of Religion: and that all Profeſſors of any ſuch Religion, be equally capable of all Elections, Magiſtracys, Preferments, and Offices in this Commonwealth, according to the Orders of the ſame. 50. Liberty of Conſcience.

UPON the whole of theſe Propoſitions, touching Church Diſciplin, we may make theſe Obſervations. Thus neither would the Party that is for gifted Men, and Enemys to Learning, thro ignorance (which elſe in all probability they muſt) loſe Religion; nor the Clergy be able to corrupt it by Intereſt. But Decency and Order, with liberty of Conſcience, would ſtill flouriſh together; while the Miniſter has a Preferment he ſought, the Pariſh a Miniſter they choſe, the Nation a Religion according to the public Conſcience, and every man his Chriſtian Liberty. He therfore that indeavours to confute this Chapter, muſt either ſhew how theſe things may be omitted, or more effectually provided for; or tithe Mint and Cumin, and neglect the weightier things of Lawgiving.

A COMMONWEALTH having, in the eſtabliſhment of Religion, made reſignation of herſelf to God, ought in the next place to have regard to the natural means of her defence; which introduces the Military part of this Model.

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CHAP. III.

Containing the Military part of this Model, propos'd practicably.

THE Military Part, on which at preſent I ſhall diſcourſe little, conſiſts in the Diſciplin of the Youth, that is, of ſuch as are between eighteen and thirty years of Age: and for the Diſciplin of the Youth it is propos'd,

51. Diſciplin of the Youth. *THAT annually upon Wedneſday next inſuing the laſt of* December, *the Youth of each Pariſh (under the inſpection of the two Overſeers of the ſame) aſſemble and elect the fifth man of their number, or one in five of them, to be for the term of that year Deputys of the Youth of that Pariſh.*

52. Their Troops, and Sports. * *In* Oceana. *THAT annually on Wedneſday next inſuing the laſt of* January, *the ſaid Deputys of the reſpective Pariſhes meet at the Capital of the Hundred (where there are Games and Prizes allotted for them, as has bin ſhew'd* *elſwhere) and there elect to themſelves out of their own number, one Captain, and one Inſign. And that of theſe Games, and of this Election, the Magiſtrats and Officers of the Hundreds be Preſidents, and Judges for the impartial diſtribution of the Prizes.*

53. Their Squadrons, and Exerciſes. * *In* Oceana. *THAT annually upon Wedneſday next inſuing the laſt of* February, *the Youth thro the whole Tribe thus elected, be receiv'd at the Capital of the ſame, by the Lieutenant or Commander in chief, by the Conductor, and by the Cenſors; that under the inſpection of theſe Magiſtrats, the ſaid Youth be entertain'd with more ſplendid Games, diſciplin'd in a more military manner, and be divided by lot into ſundry parts, or Eſſays, according to the Rules * elſwhere given.*

54. The ſecond Eſſay, or the ſtanding Army. *THAT the whole Youth of the Tribe, thus aſſembl'd, be the firſt Eſſay. That out of the firſt Eſſay, there be caſt by lot two hundred Horſe, and ſix hundred Foot: that they whom their friends will, or themſelves can mount, be accounted Horſe, the reſt Foot. That theſe Forces (amounting in the fifty Tribes to ten thouſand Horſe, and thirty thouſand Foot) be always ready to march at a week's warning: and that this be the ſecond Eſſay, or the ſtanding Army of the Commonwealth.*

55. Provincial Guards. *THAT for the holding of each Province, the Commonwealth in the firſt year aſſign an Army of the Youth, conſiſting of ſeven thouſand five hundred Foot, and one thouſand five hundred Horſe. That for the perpetuation of theſe Provincial Armys or Guards, there be annually, at the time and places mention'd, caſt out of the firſt Eſſay of the Youth in each Tribe ten Horſe, and fifty Foot: that is, in all the Tribes five hundred Horſe, and two thouſand five hundred Foot for* Scotland; *the like for* Ireland; *and the like of both orders for the Sea Guards: being each oblig'd to ſerve for the term of three years upon the States pay.*

THE ſtanding Army of the Commonwealth conſiſting thus of forty thouſand, not Soldiers of fortune neither in body nor in pay, but Citizens at their Vocations or Trades, and yet upon command in continual readineſs; and the Provincial Armys each conſiſting of nine thouſand in pay in body, and poſſeſs'd of the Avenues and places of ſtrength in the Province, it is not imaginable how a Province ſhould be ſo ſoon able to ſtir, as the Commonwealth muſt be to pour forty thouſand men upon it, beſides the Sea Guards. Nor coms this Militia thus

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thus conſtituted, except upon Marches, to any charge at all; the ſtanding Army having no pay, and the Provinces, wherof the Sea thus guarded will be none of the pooreſt, maintaining their own Guards. Such is the military way of a Commonwealth, and the Conſtitution of its Armys, whether levy'd by Suffrage, as in *Rome*; or by Lot, as in *Iſrael*. Chap. 3. *The eleventh Parallel.*

WE will go up by Lot againſt Gibeah. Judg. 20. 9.

STANDING Forces being thus eſtabliſh'd; for ſuch as are upon emergent occaſions to go forth, or march, it is propos'd,

56. The third Eſſay, or Army marching.

THAT the Senat and the People, or the Dictator having decreed or declar'd War, and the Field Officers being appointed by the Council of War; the General by Warrant iſſu'd to the Lieutenants of the Tribes, demand the ſecond Eſſay, or ſuch part of it as is decreed; whether by way of levy or recruit. That by the ſame Warrant he appoint his time and Rendevouz: that the ſeveral Conductors of the Tribes deliver him the Forces demanded at the time and place appointed. That a General thus marching out with the ſtanding Army, a new Army be elected out of the firſt Eſſay as formerly, and a new General be elected by the Senat; that ſo always there be a General ſitting, and a ſtanding Army, what Generals or Armys ſoever be marching. And that in caſe of Invaſion the Bands of the Elders be oblig'd to like duty with thoſe of the Youth.

57. Pœna ἀστρατείας, or the Guardian of Education and Liberty.

THAT an only Son be diſcharg'd of theſe Dutys without prejudice. That of two Brothers there be but one admitted to foren Service at one time. That of more Brothers, not above a half. That whoever otherwiſe refuſes his Lot, except upon cauſe ſhewn he be diſpens'd with by the Phylarch, or upon penitence be by them pardon'd and reſtor'd, by ſuch refuſal be uncapable of electing, or being elected in this Commonwealth; as alſo that he pay to the State a fifth of his Revenue for protection, beſides Taxes. That Divines, Phyſicians, and Lawyers, as alſo Trades not at leiſure for the Eſſays, be ſo far exemted from this Rule, that they be ſtill capable of all Preferments in their reſpective Profeſſions, with Indemnity, and without Military Education or Service.

A COMMONWEALTH whoſe Militia conſiſts of Mercenarys, to be ſafe, muſt be ſituated as *Venice*, but can in no wiſe be great. The Induſtry of *Holland* is the main Revenue of that State; whence not being able to ſpare hands to her Arms, ſhe is caſt upon Strangers and mercenary Forces, thro which we in our time have ſeen *Amſterdam* neceſſitated to let in the Sea upon her, and to becom (as it were) *Venice*. To a Popular Government that could not do the like, Mercenary Arms have never fail'd to be fatal; whence the laſt Propoſition is that which in every well-order'd Commonwealth has bin look'd to as the main guard of Liberty.

IN this *Iſrael* was formidable beyond all other Commonwealths, with a kind of Fulmination. SAUL when he heard the Cruelty of NAHASH the *Ammonit*, at the Leaguer of *Jabeſh-Gilead*, *took a yoke of Oxen and hew'd them in pieces, and ſent them throout the Coaſts of* Iſrael, *by the hands of Meſſengers, ſaying, Whoſoever coms not out after* SAUL, *and after* SAMUEL, *ſo ſhall it be don to his Oxen.* Which amounted not only to a confiſcation of Goods (the Riches of the *Iſraelits* lying moſt in their Cattle) but to a kind of *Anathema*, as more plainly appears, where it is ſaid, *Curſe ye* Meroz, *curſe ye bitterly the Inhabitants therof, becauſe they came not forth to help the Lord againſt the Mighty.* Nay this (ἀστρατεία) deſertion of the Military *The twelfth Parallel.* 1 Sam. 11. 7. Judg. 5. 23.

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Book III. Military Orders and Services in *Iſrael*, was ſomtimes puniſh'd with total extermination, as after the Victory againſt *Benjamin*, where *the Congregation* or Political Aſſembly of that People, making inquiſition *what one of the Tribes of* Iſrael *came not up to the Lord in* Mizpeh (the place where before the taking of *Jeruſalem* they held, as I may ſay, their Parlaments) and finding that *there came none to the Camp from* Jabeſh-Gilead, *ſent thither twelve thouſand men of the valianteſt, ſaying, Go and ſmite the Inhabitants of* Jabeſh-Gilead *with the edg of the Sword, and the Women and the Children:* which was don accordingly.

Judg. 21.

BUT by this time men will ſhrink at this as a dreadful Order, and begin to compute that a Commonwealth, let her Prerogatives for the reſt be what they will, muſt at this rate be but a dear purchaſe: wheras indeed, if this way coſts ſomthing, there is no other that dos not hazard all; foraſmuch as diſcarding this Order, play your game as you can, you are ſome time or other a Prey to your Enemys, or to your Mercenarys. This certainly is that root in (the *Penetralia*) the bowels of a Commonwealth, whence never any Court Arts, or Politeneſs, could attain to the gallantry or ſplendor of the Education in Popular Governments. For let any man (remembring what it was to be a GIDEON, a MILTIADES, a TIMOLEON, a SCIPIO, or a Magiſtrat in a Commonwealth) conſider if there ſhould be no way with us to Magiſtracy, but by having ſerv'd three years at Sea, and three years at Land, how the whole face and genius of Education, both in the better and in the lower ſort, would of neceſſity be chang'd in this Nation, and what kind of Magiſtrats ſuch experience in thoſe Services muſt create to the Commonwealth. Conſider, whether the threaten'd Puniſhments of this Order, tho thro unacquaintance they may at firſt ſight have ſom brow, would not, as they have don in other Commonwealths of like ſtructure, even with low ſpirits, expire in ſcorn and contempt, or thro the mere contemplation of the reward of Honor, nay of the Honor it ſelf, in which point where right has not bin don, men, under Governments of this nature, have bin much more apt to heats; as where the men of *Ephraim* fought againſt JEPTHA, for an affront in this kind which they conceiv'd him to have put upon them. *Wherfore paſſedſt thou over to fight againſt the Children of* Ammon, *and didſt not call us to go with thee? We will burn thy houſe upon thee with fire.* Nor is this way ſo expenſive of the Purſe or of Blood. Not of the public Purſe, becauſe it deteſts Mercenarys; nor of the privat Purſe, becauſe the ways of Education thus directed, are all aſſiſted with the States pay: ſo that a man in this road might educat three Children cheaper, and to the moſt ſolid ends, than he could any one to trifles in thoſe which among us hitherto have bin uſual. And as to Blood, there is nothing more certain, than that Idleneſs, and its inſeparable companion Luxury, are excedingly more waſtful as of the Purſe, ſo of Health, nay and of Life it ſelf, than is War; which nevertheleſs this Order is ſuch as dos rather prevent than neceſſitat, in regard that to be potent in Arms is the way of Peace. But wheras in a Martial Commonwealth there may be men having exceded the thirtieth year of their Age, who like thoſe of *Ephraim* would yet take it ill to be excluded the Liſts of Honor, and it muſt alſo be to the detriment of the Commonwealth that they ſhould; for theſe, whom we may call Volunteers, it is propos'd,

Judg. 12.

THAT

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THAT upon Warants iſſu'd forth by the General for Recruits or Levys, there be an Aſſembly of the Phylarch in each Tribe; that ſuch Volunteers, or men being above thirty years of Age, as are deſirous of farther imployment in Arms, appear before the Phylarch ſo aſſembl'd. That any number of theſe, not exceeding one moiety of the Recruits or Levys of that Tribe, may be taken on by the Phylarch, ſo many of the Youth being at the diſcretion of this Council diſbanded, as are taken on of the Volunteers. That the Levys thus made, be conducted by the Conductor of the reſpective Tribe to the Rendevouz appointed. And that the Service of theſe be without other term or vacation, than at the diſcretion of the Senat and the People, or ſuch Inſtructions to the Gereral, as ſhall by them in that caſe be provided. Chap. 4. 58. Volunteers.

THUS much for the Military or Defenſive part of this Model. For Offences in general it is written, *Wo unto the world becauſe of Offences; for it muſt needs be that Offences com, but wo to that man by whom the Offence coms.* Among Offences are offenſive Wars: now it being out of queſtion, that for the righteous Execution of this Wo upon him or them by whom the Offence coms, a War may be juſt and neceſſary, as alſo that Victory in a juſt and neceſſary War may intitle one Prince or one People to the Dominion or Empire of another Prince or People; it is alſo out of queſtion, that a Commonwealth, unleſs in this caſe ſhe be provided both to acquire, and to hold what ſhe acquires, is not perfect: which Conſideration brings me to the Provincial part of this Model. Mat. 18. 7.

CHAP. IV.

Containing the Provincial Part of this Model, propos'd practicably.

THE word *Province* is with *Roman* Authors of divers ſignifications. By theſe it is taken ſomtimes for Magiſtracy; as that of the Conſul, which is call'd *His Province:* ſomtime for any Religion or Country, in which a *Roman* Captain or General was commanded to make War; but ſpecially for ſuch a Country as was acquir'd and held by Arms, or by *Provincial Right.* The word is of the like different uſe in Scripture; as where it is ſaid, That AHASUERUS *reign'd over a hundred and ſeven Provinces*; by which are underſtood as well the diviſions of the native, as thoſe of the acquir'd Territorys. But where TANAIS the Governor writes to the King of *Aſſyria* concerning the Province of *Judea*, it is underſtood a Country acquir'd and held by Arms; which coms to the uſual ſignification of the word with the *Romans*, it being in this ſenſe that the Governor FELIX aſk'd PAUL of *what Province he was*, and came to underſtand that he was of *Cilicia*, then a Province of the *Roman* Empire: and this ſignification is that in which I take the word throout this Chapter. Eſth. 1. 1. Ezra 5. 8. Acts 24.

THE mighty load of Empire which happen'd to the Commonwealth of *Rome* thro the Acquiſition of many and vaſt Provinces, is that wherto the Songs of Poets, and the opinions of more ſerious Writers attribute the weight which they ſay overſway'd her. But this Judgment, tho in itſelf right, is not in the manner they take it to be ſwallow'd without chewing. For how probable it is that the

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ſucceding Monarchy was able to ſupport a weight in this kind, which the Commonwealth could not bear, may at this diſtance be diſcern'd, in that the Provinces were infinitely more turbulent in the Reign of the Emperors, than in that of the Commonwealth, as having a far ſtronger Intereſt, thro ambition of attaining to the whole, to tear the Empire in pieces: which they did, while divers Provinces made divers Emperors, which before could not hope to make divers Commonwealths, nor to acquire ſafety by retreat to a petty Government. But in this, the acquiſition of Provinces devour'd the Commonwealth of *Rome*, that, ſhe not being ſufficiently fortify'd by *Agrarian* Laws, the Nobility, thro' the ſpoil of Provinces, came to eat the People out of their popular Balance or Lands in *Italy* by Purchaſes; and the Lands that had been in the hands of the Many, coming thus into the hands of the Few, of natural and neceſſary conſequence there follows Monarchy.

Plutarch *in* Gracch.

NOW that *England*, a Monarchy, has bin ſeiz'd of Provinces (one of them, while *France* was ſuch, being as great as any one of the *Roman*) is a known thing; and that the Militia propos'd by the preſent Model, contains all the cauſes of Greatneſs that were in that of *Rome*, is to ſuch as are not altogether ſtrangers to the former no leſs than obvious. Now of like Cauſes not to preſume like Effects, were unreaſonable. The ſafety therfore of the foregoing *Agrarian*, as hitherto propos'd, or that Lands be divided in their deſcent, muſt in this caſe be none at all, unleſs there be ſom ſtop alſo given in their Accumulation by way of purchaſe; leſt otherwiſe the ſpoil of ſom mighty Province be ſtill ſufficient to eat out the People by purchaſe.

TO ſubmit therfore in this place (for ought I perceive) to inevitable neceſſity, it is propos'd,

59. Additional Propoſitions to the *Agrarian*.

THAT (great Commonwealths having bin overthrown by the ſpoil of Provinces) an Eſtate of two thouſand pounds a year in Land, be incapable of any Accumulation by way of purchaſe.

DONATIONS and Inheritances will be fewer than to be dangerous; and as ſome fall, others will be dividing in their deſcent. But to reſume the Diſcourſe upon the *Agrarian* Laws, which, becauſe they were not till in this Propoſition complete, remains imperfect. That to *Agrarian* Laws ſom Standard is neceſſary, appears plainly enough. This Standard in a well-founded Monarchy, muſt bar receſs; and in a well-founded Commonwealth muſt bar increaſe. For certain it is, that otherwiſe each of the Policys dos naturally breed that Viper which eats out the Bowels of the Mother: as Monarchy, by Pomp and Luxury, reduces her Nobility thro debt to poverty, and at length to a level with the People, upon which no Throne ever ſtood or can ſtand: ſuch was the caſe of this Nation under her latter Princes. And a Commonwealth by her natural ways of frugality, of fattening and cockering up of the People, is apt to bring Eſtates to ſuch exceſs in ſom hands, as eating out the reſt, bows the Neck of a free State or City to the yoke, and expoſes her to the goad of a Lord and Maſter, which was the caſe of *Rome* under her perpetual Dictators. But why yet muſt this Standard of Land in the preſent caſe, be neither more nor leſs than juſt two thouſand pounds a year? Truly, where ſom Standard was neceſſary to be nam'd, I might as well aſk why not this as well as any other? yet am I not without ſuch Reaſons why I have pitch'd upon this rather than

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than any other, as I may ſubmit to the judgment of the Reader in the following computation or compariſon of the divers Effects or Conſequences of ſo many different Standards, as by the rules of proportion may give ſufficient account of the reſt. Chap. 4.

LET the dry Rent of *England* (that is, at the rate a man may have for his Land without ſweating) be computed at ten Millions: This preſum'd, if you ſet the Standard at ten thouſand pounds a year, the whole Territory can com into no fewer than one thouſand hands. If you ſet it at five thouſand pounds a year, it can com into no fewer than two thouſand hands; and if you ſet it at two thouſand pounds a year, it can com into no fewer than five thouſand hands. It will be ſaid, In which way you pleaſe, it will never com into ſo few hands as are capable of having it; which is certain: yet becauſe the Effects in their approaches would be ſuch as may be meaſur'd by their Extremes, I ſhall pitch upon theſe as the readieſt way to guide my Computation. The Balance in a thouſand hands might affect the Government with a hankering after Monarchy; in two thouſand hands it might uſurp it, as did the *Roman* Nobility, and therby occaſion a feud between the Senat and the People. Theſe not only in the extremes, but with much of a like nature in the approaches.

BUT letting theſe paſs, as alſo the numbers or compaſs neceſſary to the Rotation of ſuch a Commonwealth (none of which inconveniences are incident to the Standard of two thouſand pounds a year, as that wherby Land can com into no fewer than five thouſand Proprietors) we will ſuppoſe theſe Standards to be each of them, as to the ſafety of the Government, indifferently practicable.

YET it is recorded by Experience, and wiſe Authors, that the true cauſe whence *England* has bin an overmatch in Arms for *France*, lay in the communication or diſtribution of Property to the lower ſort; and for the ſame cauſe let it be conſider'd, if the Commonwealth upon the Standard of two thouſand pounds a year (*cæteris paribus*) muſt not neceſſarily be an overmatch in the potency of its Militia for the other two. Such are the advantages, ſuch is the glory of the like moderation to the public. *Mony* (ſays the Lord VERULAM) *is like muck, not good except it be ſpread.* Much rather in Popular Government is this holding as to Land, the latter having upon the State a far ſtronger influence, at leaſt in larger Territorys, than Mony: for in ſuch, Mony, while ſcarce, cannot overbalance Land; and were Silver and Gold as plentiful as Braſs or Iron, they would be no more, nor would Land be leſs worth. And for privat men, were it not that *it is eaſier to fill the belly of a Glutton than his eys*, not only Virtue, but the Beatitude of Riches, would be apparently conſiſtent in a mean. But what need I play the Divine or the Philoſopher upon a Doctrin, which is not to diminiſh any man's Eſtate, not to bring any man from the Cuſtoms to which he has bin inur'd, nor from any emergent expectation he may have; but regards only the Generation to com, or the Children to be born ſeven years after the paſſing ſuch a Law? Whence it muſt needs follow, that putting the caſe this *Agrarian* be introduc'd, it is to our Age as if there were none; and if there be no *Agrarian*, it is to our Age as if there was one. The difference is no more, than that in the one way the Commonwealth is at all points ſecur'd, and in the other it is left to its fortune even in the main. Of

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ſuch ſoverain effect are the like Laws, that I would go yet farther, and propoſe,

60. Agrarian for *Scotland* and *Ireland*.

THAT in Scotland *the Standard be ſet at five hundred pounds a year; in* Ireland *at two thouſand pounds a year in Land; the reſt for each as for* England.

NARROWNESS of an *Agrarian* for *Scotland*, being a Martial Country, would make the larger proviſion of a good Auxiliary Militia; and largeneſs of an *Agrarian* for *Ireland*, being leſs Martial, would caſt a Sop into the Jaws of the Avarice of thoſe who ſhould think it too much confin'd in *England*. And leſt the Provincials in this caſe ſhould think themſelves worſe dealt with than the Citizens themſelves, the ſum of the *Agrarian* Laws being caſt up together, any man in the three Nations may hold four thouſand five hundred pounds a year in Land; and any ſmall Parcel of Land, or mere Reſidence in *England*, makes a Provincial a Citizen. Should the Commonwealth increaſe in Provinces, the Eſtates at this rate both of the Citizens and Provincials would be more and greater than ever were thoſe of the antient Nobility of theſe Nations; and without any the leaſt hazard to Liberty. For he, who conſidering the whole *Roman* ſtory, or that only of the GRACCHI in PLUTARCH, ſhall rightly judg, muſt confeſs, that had *Rome* preſerv'd a good *Agrarian* but in *Italy*, the Riches of its Provinces could not have torn up the Roots of its Liberty, but on the contrary muſt have water'd them. It may be ſaid, What need then of putting an *Agrarian* upon the Provinces? I anſwer: For two Reaſons: firſt is Indulgence to the Provincials: and the ſecond, Advantage to the Commonwealth. For the firſt, it is with ſmall foreſight apparent enough, that the Avarice of the Citizen being bounded at home, and having no limits in the Provinces, would in a few years eat up the Provincials, and bring their whole Countrys (as the *Roman* Patricians did *Italy*) to ſound in their Fetters, or to be till'd by their Slaves or Underlings. And ſo, for the ſecond, the Commonwealth would by ſuch means loſe an Auxiliary Militia, to be otherwiſe in *Scotland* only more worth than the *Indys*. The things therfore thus order'd, it is propos'd,

61. Provincial Councils.

THAT upon the expiration of Magiſtracy in the Senat, or at the annual Receſs of one third part of the ſame, there be elected by the Senat out of the part receding, into each Provincial Council four Knights for the term of three years; therby to render each Provincial Council (preſuming it in the beginning to have bin conſtituted of twelve Knights, divided after the manner of the Senat by three ſeveral Liſts or Elections) of annual, triennial, and perpetual Revolution or Rotation.

62. Provincial Governors or Generals.

THAT out of the ſame third part of the Senat annually receding, there be to each Province one Knight elected for the term of one year. That the Knight ſo elected be the Provincial General or Governor. That a Provincial Governor or General receive annually in April *at his Rendevou appointed, the Youth or Recruits elected in the precedent Month to that end by the Tribes, and by their Conductors deliver'd accordingly. That he repair with the ſaid Youth or Recruits to his Province, and there diſmiſs that part of the Provincial Guard or Army whoſe triennial term is expir'd. That each Provincial Governor have the conduct of Affairs of War and of State in his reſpective Province, with advice of the Provincial Council; and that he be Preſident of the ſame.*

THAT

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Chap. 4.

63. Provincial Provosts.

THAT each Provincial Council elect three weekly Proposers, or Provosts, after the manner, and to the ends already shewn in the constitution of Senatorian Councils; and that the Provost of the senior List, during his term, be President of the Council in absence of the General.

64. Subordination and Function of Provincial Councils.

THAT each Provincial Council procede according to Instructions receiv'd from the Council of State, and keep intelligence with the same by any two of their Provosts, for the Government of the Province, as to matters of War or State. That upon Levys of native or proper Arms by the Senat, and the People, a Provincial Council (having to that end receiv'd Orders) make Levys of Provincial Auxiliarys accordingly. That Auxiliary Arms upon no occasion whatsoever excede the proper or native Arms in number. That for the rest, the Provincial Council mantain the Provincials, defraying their peculiar Guards and Council, by such a known proportion of Tributs, as on them shall be set by the Senat and the People, in their proper Rights, Laws, Libertys and Immunitys, so far as upon the Merits of the Cause wherupon they were subdu'd, it seem'd good to the Senat and the People to confirm them. And that it be lawful for the Provincials to appeal from their Provincial Magistrats, Councils, or Generals, to the People of England.

IN modelling a Commonwealth, the concernment of Provincial Government coms in the last place; for which cause I conceive any long Discourse upon these Orders to be at present unnecessary: But certain things there are in the way which I am unwilling to let slip without pointing at them.

Whether Men or Mony be the Nerve of War.

SOM will have Men, som will have Mony to be the Nerve of War; each of which Positions, in proper cases, may be a Maxim: For if *France*, where the main Body of the People is imbas'd; or *Venice*, which stands upon a Mercenary Militia, want Mony, they can make no War. But it has heretofore bin otherwise with Commonwealths. *Roman* Historians (as is observ'd by MACHIAVEL) in their Military Preparations or Expeditions, make no mention of Mony, unless what was gain'd by the War, and brought home into the Treasury; as the Spoil of *Macedon* by ÆMILIUS PAULUS, being such, as the People for som years after were discharg'd of their Tribute. Not that their Wars were made altogether without Mony: for if so, why should the People at any time before have paid Tribute? Or why upon this occasion were they excus'd? but that the Mony in which their Wars stood them, was not considerable in comparison of that which is requisit where Mony may be counted the Nerve of War; that is, where Men are not to be had without it. But *Rome*, by virtue of its Orders, could have rais'd vaster numbers of Citizens and Associats than perhaps it ever did, tho during the Consulat of PAPPUS and REGULUS, she levy'd in *Italy* only seventy thousand Horse, and seven hundred thousand Foot. Should we conceive the Nerve of this Motion to have bin Mony, we must reckon the *Indys* to have bin exhausted before they were found; or so much Brass to have bin in *Italy*, as would have made Stones to be as good as Mony. A well-order'd Commonwealth dos these things not by Mony, but by such Orders as make of its Citizens the Nerve of its Wars. The Youth of the Commonwealth propos'd are esteem'd in all at five hundred thousand. Of these there is an annual Band, consisting of one hundred thousand. Of this one hundred thousand there is a standing Army consisting of thirty thousand Foot and ten thousand Horse, besides such as being above

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Book III.

thirty years of age, ſhall offer themſelves as Voluntiers: of which the number is in no wiſe likely to be few. To the ſtanding Army the Provinces, or that only of *Scotland*, being both Populous and Martial, can afford at any time an equal number of Auxiliarys.

THESE Orders, thus ſum'd up together, render this Commonwealth ordinarily able to wage War with fourſcore thouſand men; a Force which, it is known, not any Prince in Chriſtendom is able to match in Virtue, Number, or Diſciplin. For theſe the Commonwealth in her Sea Guard has always at hand ſufficient Waſtage, or at leaſt ſuch a ſufficient Convoy as may make any Veſſels at hand a ſufficient Tranſportation: all this, I ſay, by virtue of Orders. Not but that the March, the Equipage, the Waſtage of ſo great an Army muſt coſt Mony; but that it will com to no account in compariſon of a lingring War made by a matter of thirty thouſand Mercenarys, the very conſumtion of a State: wheras fourſcore thouſand men ſo diſciplin'd and ſo furniſh'd, as has bin ſhewn, being once tranſported, muſt ſuddenly com to be no Charge, or make the War defray it ſelf.

Whether a Commonwealth has conſiſted of more than one City or Town.

BUT 'tis objected, that to reckon upon ſuch a Militia were to ſuppoſe a large Country capable of being a Commonwealth; wheras we hold them learn'd, who ſay that no Commonwealth has conſiſted of more than ſom one City or Town. But in what Language or in what Geography, are the twelve Tribes of *Iſrael*; the (δήμοι) Peopledoms or Prytanys of *Athens*, which THESEUS gather'd into one body; the Tribes and Linages in *Lacedemon* inſtituted by LYCURGUS; the five and thirty *Roman* Tribes planted between the Rivers *Vulturnus* and *Arno*, or between the Citys now call'd *Capua* and *Florence*; the 13 Cantons of the *Switzers*; the ſeven United Provinces of the Low Countrys, underſtood to have bin or to be but one City or Town? Whether were not the People of *Iſrael* under their Commonwealth ſix hundred thouſand? What reaſon can be given why the Government that could take in ſix hundred thouſand, might not as well take in twice that number? How much ſhort came the Country, planted by the *Roman* Tribes, of 150 Miles ſquare? Or how much over is *England?* And what reaſon can be given why a Government, taking in 150 Miles ſquare, might not as well take in twice that Compaſs? Whether was our Houſe of Commons under Monarchy not collected from the utmoſt Bounds of the *Engliſh* Territory? And whether had the Laws by them enacted not their free courſe to the utmoſt limits of the ſame? And why ſhould that be impoſſible or impracticable to a Repreſentative of the People in a Commonwealth, which was ſo facil and practicable to a Repreſentative of the People under Monarchy?

IT is a wonder how the Commonwealth of *Rome*, which held as it were the whole World by Provinces, ſhould be imagin'd by any man to have conſiſted but of one Town or City.

BUT to return: It is alleg'd by others, and as to Provincial Government very truly, that a Commonwealth may be a Tyranny: Nor do I think that *Athens*, in this point, came ſhort of any Prince: *Rome*, on the other ſide, was (according to the merits of the cauſe) as frequent in giving Liberty as in taking it away. The Provinces of *Venice* and of *Switzerland*, would not change their condition with the Subjects of the beſt Prince. However the poſſibility in a Commonwealth of tyrannizing over Provinces, is not to be cur'd; for be the Commonwealth or the Prince a State or a Man after God's own heart, there is no way of holding a Province but by Arms. *WHEN*

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WHEN the Syrians *of* Damaſcus *came to ſuccor* HADADEZER *King of* Zobah, DAVID *ſlew of the* Syrians *two and twenty thouſand Men: then* DAVID *put Gariſons in* Syria *of* Damaſcus, *and the* Syrians *became Servants to* DAVID, *and brought Gifts; and the Lord preſerv'd* DAVID *whitherſoever he went.* The thirteenth Parallel. 2 Sam. 8. 5,6.

WITH this Parallel I draw the Curtain, and cloſe (be it Comedy to ſuch as are for Tragedy) the Model; appealing to the preſent, or the next Age, whether throout I have not had God himſelf for my Vouchee. In the mean time, there is nothing hereby propos'd which may not ſtand with a ſupreme Magiſtrat. *See the Corollary of* Oceana.

The Concluſion:

Shewing how the Model propos'd may be prov'd or examin'd; and giving a brief Anſwer to Mr. WREN's *laſt Book, intitl'd,* Monarchy aſſerted againſt Mr. HARRINGTON's *Oceana.*

Sect. 1. *That a Commonwealth not rightly order'd, is leſs ſeditious than the beſt of Monarchys.*

FOR a Nation to be ſtill upon the caſt of a Dy, to be ever in trepidation as to the main chance of Government, is a dreadful ſtate of things. Such indeed with us has bin the Conſtitution of our late Governments, of which therfore not any can be call'd a Commonwealth. Yet has the like ſtate of things (in favor of Monarchs, and thro the induſtry of the Clergy) bin for many Ages, that wherof Commonwealths unheard are ſtill accus'd and condemn'd. For proof in this caſe, the Tribunitian Storms of the *Roman* People are thought abundantly ſufficient. But theſe having bin without Blood, if with our Affairs they hold any parallel, are not to be compar'd with the Barons Wars, thoſe of *York* and *Lancaſter*, or the like; but with the Conteſts or Strivings of our Parlaments with their Kings, while ſuch Diſputes came not to Arms. Or if the *Roman* Fields from the time of the GRACCHI grew bloody, we have known a matter of a dozen years in which ours might have compar'd with them. The Seditions under the Commonwealth of *Rome* to thoſe under the Empire, hold ſuch a proportion, as the Seditions under the Commonwealth of *Iſrael* to thoſe under their Kings. I am contented at this time, for diſcourſe ſake, that the Seditions of *Venice* ſhould paſs as they are computed by Mr. WREN: Let thoſe alſo which have happen'd in the Commonwealths of the *Switzers*, and of the United Provinces, by the ſkill of ſom Man who may be thought more impartial than my ſelf, be rightly enumerated and added. This being don, let the Seditions that have happen'd in the Monarchys of *England*, *France*, and *Spain*, be as impartially ſum'd up; and I may venture to promiſe you, That you ſhall not find the ſum of the Seditions which have happen'd in thoſe three Commonwealths, to balance the foot of the account with thoſe Seditions which have happen'd in any one of thoſe Monarchys: nor are we without ſufficient inducement to believe, that the whole account in this particular of thoſe Commonwealths which have bin in the World, can com any whit nearer to that of the Monarchys. But this being ſo, be it alſo ſuppos'd, tho not granted, that a Commonwealth is a ſeditious Government, yet muſt it be *See* Book 2. chap. 4.

the

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the leaſt ſeditious Government. The Republic of *Corinth* never ſuffer'd but that one Sedition which is deſcrib'd by *Xenophon*; and this too from an external cauſe.

ἑλληνικῶν. Lib. 4.

Sect. 2. *That Mr. Wren's Oppoſition of Popular Prudence amounts to a Confirmation of it.*

BUT I am the more confirm'd by the Aſſaults of Mr. WREN, to have no leſs than demonſtrated in the propos'd Model, that a Commonwealth rightly order'd is altogether incapable of Sedition, and ſo conſequently of Diſſolution, that is, from any internal cauſe. To render his Confutation intire, and the truth of this Aſſertion the more conſpicuous, I ſhall firſt inſert thoſe Rules or Maxims wherby a Model of a Commonwealth may be exactly prov'd or examin'd, and then ſhew how they totally enervat and overturn thoſe Arguments elaborated by Mr. WREN towards the examination and confutation of the Model propos'd.

How a Model of Popular Government may be try'd or examin'd.

THE Maxims or Rules wherby a well-order'd Model of Popular Government may be moſt exactly prov'd or examin'd, are ſpecially two:

1. *IT muſt be wholly void of any Contradiction or Inequality.*
2. *IT muſt be ſuch in which no number of Men, having the Intereſt, can have the Power or Strength; and no number of Men, having the Power or Strength, can have the Intereſt to invade or diſturb the Government.*

IT is not in the power of Nature that there ſhould be an effect, where there is not the cauſe of that effect; and in a Frame of Government that is exactly according to the foregoing Maxims, there can be no cauſe of Sedition or Diſſolution. A Model of Government therfore that will hold examination by theſe Maxims, muſt (without oſtentation, or with Mr. WREN's patience) be perfect.

NOW let us obſerve how he beſtirs himſelf to examin and confute this Model. As to contradiction, he dos not ſo much as pretend that there is any Guile in it; yet will not allow it to have any truth: *For*, ſays he, *as in a Fiction the ſeveral Members may be ſo contriv'd, as not to give one another the ly, but be all contain'd within the limits of Veriſimilitude, and yet the whole remain without the leaſt ſyllable of Truth; ſo in a Model of Government.* To which I anſwer, that there being a truth of Nature, and a truth of Fact, this way of Mr. WREN's diſputing is mere equivocation. For the Model is not propos'd to ſhew the truth of Fact, or that there has bin any ſuch exactly in practice; but to ſhew the truth of Nature, or that ſuch a Model is practicable: wherfore he needed not to have alleg'd that it has not the truth of Fact, which we all know; but was to ſhew where it fails of ſuch a truth in Nature as can any way render it impracticable. But inſtead of this, he is gon to the Moon; and will read us a Lecture in Politics by the Planets, or the various Hypotheſes of Celeſtial Motions, *which may be excogitated including no abſurdity in themſelves, and yet perhaps not any one of them prove to be the true method of Nature.* But may a Man therfore argue in this manner? It is very hard to know certainly which are the Highways of the Planets, therfore there can be no certain Knowlege which are the Highways to *London*. Let us e'en ſay, Becauſe the Rotation of the World may as well go upon the Heavens as upon the Earth, therfore a man may as well go upon his Head as upon his Heels, and a Commonwealth as well ſtand upon a Milkwoman's Pattins, as upon the ſtrongeſt Intereſt, or the Intereſt of the ſtrongeſt.

W. p 78.

Ibid.

SO

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So much for Contradiction. Now for inequality, says Mr. WREN, W. p. 179
Tho it should be allow'd Mr. HARRINGTON, *that his Commonwealth has none in it, yet would it fail of attaining the perfection of Government, seeing there is an equality in the Nature of man, which is not rectify'd by the Model of his Commonwealth.* As if the equality of a Government was pretended to be such, as should make a crooked man straight, a wicked man good, or a passionat man a Philosopher; and it were not perfect, in being sufficient to prevent any influence that Wickedness or Passion in a man or men, may have upon the Government. But for farther discovery of these Inequalitys in the Nature of man, that are not rectify'd by the Model, Mr. WREN sends us to his eighth and ninth Chapters, where he produces them in such order, as I shall observe in repeating him. *Whensoever*, says he, *under Popular Go-* Pag. 84.
vernment the number of those whose Offences have render'd them liable to the severity of Laws, is considerable enough to qualify them for attemt, Popular Government has no more security than any other, of being free from Sedition. It is very true: but Mr. WREN was oblig'd to shew how in an equal Commonwealth, or under the Model propos'd, it was possible that the number of such men should com to be considerable enough to qualify them for such an attemt. But in this kind he is no otherwise provided than to tell us, *That of this Original and Extraction, as to the main, was* CATILIN'S *attemt upon the* Roman *Commonwealth.* So undertaking against *Oceana*, or the most equal Commonwealth, he is com to arguing against *Rome*, or the most inequal Commonwealth; and at such a time too, when being no longer capable of Liberty, but ready for bonds, there were other Partys besides CATILIN'S, and others besides such as were obnoxious to the Laws, that lay in wait for her: as POMPEY and his Party, or at least CESAR and his, who at length carry'd it; so that this feat was not so much perform'd by men otherwise *liable to severity of Laws*, as by men puff'd up by ambition. But let these have bin of which sort he will, it remains with him to shew, how there should be of either kind enough in *Oceana* for a like attemt. It is known that long before this happen'd in *Rome*, the whole of that Commonwealth was in the hands of three men, CESAR, POMPEY, and CRASSUS: wherfore he should have first shewn, which way the whole of the Commonwealth of *Occana* might com into the hands of three, or of a few men. But leaving this untouch'd, he runs making a dust, and a doubt where the soverain Power of *Oceana* can be; which even in *Rome*, as inequal as it was, is acknowleg'd to have bin in the Assemblys of the People; and in *Athens*, THUCYDIDES expresly says, That the Sove- Lib. 5.
rainty was in the five thousand. Who ever doubted but where the ultimat Result is, there also must be the Soverainty? and the ultimat Result of *Oceana* is in the Prerogative Tribe, or Representative of the People. Then says he, *This Representative thinking it their interest, may* Pag. 84.
dissolve the Government, and perpetuat themselves, and may com to think it their interest. For the desire of Power being natural to man, a far greater share of Power remains with every particular man, when the Soverain Power is divided among so many, than when the same Power is divided among two hundred thousand. But I shew'd that this Representative has the whole Soverain Power in themselves, not divided with any other, or with the five hundred thousand; which I suppose he means by the two hundred thousand he mentions. Now this Representa-
tive

tive cannot be underſtood to have the Soverain Power by overbalance of ſtrength, becauſe they are but one thouſand to five hundred thouſand; ſo it is plain that they have it by conſent, or by orders only: wherfore theſe Orders they have not the power, or ſtrength, nor the intereſt to break; becauſe breaking their Orders (by which only, and not by ſtrength, the Power is in themſelves) they com to divide the Power that was in themſelves, with the five hundred thouſand, as they, who, in defect of the Orders, have the far greater ſtrength, and no legal bar. Yet ſays he, *That a Repreſentative is not incapable of making ſuch an attemt as this, will (it is not improbable) eaſily find belief with thoſe who are acquainted with the Actions of theſe laſt eighteen years.* Which is as much as to ſay, That becauſe a Repreſentative, by and with the People, may have both the intereſt, and the power or ſtrength to free themſelves of a broken Monarchy; therfore a Repreſentative may, without and againſt the People, have both the intereſt, and the power or ſtrength to break the Orders of the moſt equal Commonwealth. But if the Repreſentative of *Oceana* has not the power or ſtrength to break their Orders, and perpetuat themſelves; much leſs the Senat. True it is, if we look upon ſom other Commonwealths, a Senat might have the Intereſt to do it; but not where the Senat has bin upon Rotation. To add then to Mr. WREN's faculty of oppoſition greater ſtrength than is in it; if the Senat of *Oceana* would do any thing of this kind, their readieſt way were by creating of the Dictator. The Dictator being created, has ſoverain Power in carrying on the Orders of the Commonwealth: but thoſe do not perpetuat their Power; this therfore cannot be don but by Force or Arms. The Arms of the Commonwealth are both numerous, and in a poſture or readineſs; but they conſiſt of its Citizens: and for the Dictator to bring the Citizen to break the Commonwealth, were for a General to command his Army to cut their own throats. It is true, the *Roman Decemvirs* put in for prolongation; but, tho' in the moſt inequal Commonwealth, they could not make it ſtand one year, becauſe of the Citizens in Arms: And for Mercenarys there are none in *Oceana*; is this news? there were none in *Iſrael*, there were none in *Athens*, there were none in *Lacedemon*, there were none in *Rome*, while thoſe Commonwealths flouriſh'd. But were there Mercenarys, as he might perhaps reckon Servants, they are unarm'd, undiſciplin'd; they cannot riſe thro the vaſt bodys of Citizens in Arms both Elders and Youth; or if they would riſe, they could be nothing in their hands. The *Roman* Slaves, and the *Lacedemonian* Helots, being far of another and more dangerous nature, never roſe againſt their Lords but to their own deſtruction. All this while I ſay nothing of the ſecurity which is in the frame of this Dictator, beyond any example or intereſt of prolongation to be found either in the *Roman* Dictator or the *Venetian* Council of ten, each wherof having had the like power, did never diſcover any ſuch inclination. It is true, that in the time of SYLLA, the *Roman* Dictator began to be perpetual; but this is not to be attributed ſo much to the imperfection of the Order, as to the change of the Balance. But if the Dictator of *Oceana* cannot have the intereſt, or, having the intereſt, cannot have the power or ſtrength to perpetuat that Magiſtracy; much leſs can the Senat.

W. p. 85.

THE ſum of what has bin ſaid, may be thus caſt up, as to the whole Conſtitution. If Things or Perſons that have neither the right

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right nor the might, may prevail againſt Things and Perſons who have both the right and the might; then may one Order of this Commonwealth break the whole Syſtem: but the Might, thro the foundation or popular balance of Property, being in the whole People, and the whole Superſtructures of this Commonwealth being nothing elſe but an equal diſtribution of common Right to the whole People, who are poſſeſt of the Might; they who have the Might, have not the intereſt to break, but to preſerve the Orders; which therfore no other can have the power or ſtrength to break, or ſom other breaking, muſt but loſe that which they pretend to gain, to wit, the Right, which in this caſe muſt ſtill fall to the Might devolving upon the People. That Mr. WREN will needs fancy the Tribes or Citys in *Oceana*, as thoſe in the united Provinces, or the Cantons of *Switzerland*, to be diſtinct Soveraintys, concerns not me, ſeeing the form of *Oceana* is far otherwiſe; nor indeed him, ſeeing neither do the Citys in *Holland*, nor the Cantons in *Switzerland* go about to diſſolve their Commonwealths or Leagues. The Champion having thus fail'd at the head, is contented to play low. *Tho there be care taken*, ſays he, *that at the Aſſembly of the Hundred and the Tribe, ſuch and ſuch Magiſtrats ſhould be elected out of the Horſe, there is no neceſſary proviſion there ſhould be any Horſe there, out of which to elect.* And where can they be then, if not in ſome Pariſh? He might better have ſaid, that at the Pariſh there was no care taken, that the People ſhould not elect too many of the Horſe, which being indeed the defect of the former, is in this Edition rectify'd. His laſt exception is againſt the place where I ſay, that *They who take upon them the profeſſion of Theology, Phyſic or Law, are not at leiſure for the Eſſays, wherby the Youth commence for all Magiſtracy and Honors, in the Commonwealth.* To which reaſon he offers not ſo much as any Anſwer: nor pretends any other Argument againſt it, than that this excludes Divines, Lawyers, and Phyſicians, from thoſe Honors to which their Pariſh Clerks, their Scriveners, and their Apothecarys, nay Farriers and Coblers may attain. And what can I help that, if it ought nevertheleſs ſo to be, for a reaſon which he cannot anſwer? Nay, if ſo it be in common practice where the reaſon is nothing near ſo ſtrong, ſeeing a Pariſh Clerk, a Scrivener, an Apothecary, nay a Cobler or a Farrier, is not uncapable of being of the Common Council, nor yet of being an Alderman or Lord Mayor of *London*; which nevertheleſs that a Divine, a Lawyer, or a Phyſician ſhould be, were abſurd to think. Divines have a Plow from which they ought not to look back: they have above a tenth of the Territory, with which they ought to be contented; and more than all, Civil Intereſt contracted by a Clergy, corrupts Religion. For Lawyers, their Practice and Magiſtracys are not only the moſt gainful, but for life; and in a Commonwealth, neither is accumulation of Magiſtracy juſt or equal, nor the confounding of Executive and Legiſlative Magiſtracy ſafe. Will Mr. WREN believe one of our own Lawyers, and one of the learnedſt of them upon this point? It is the Lord VERULAM: *They*, ſays he, *who have written* (de legibus) *of Lawmaking, have handl'd this Argument as Philoſophers, or as Lawyers. Philoſophers ſpeak higher than will fall into the capacity of practice* (to which may be refer'd PLATO's Commonwealth, Sir THOMAS MORE's *Utopia*, with his own *Atlantis*) *and Lawyers being obnoxious, and addicted each to the Laws of their particular Country, have no freedom nor ſincerity of Judgment, but plead*

W. p. 87.

W. p. 181.

See Propoſition 44. W. p. 183.

Verulam de Aug. Scien. lib. 8. cap. 3.

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as it were in bonds. Certainly the cognizance of these things is most properly pertaining to political Persons, who best know what stands with human Society, what with the safety of the People, what with natural Equity, with antient Prudence, and with the different Constitution of Commonwealths. These therfore, by the Principles and Precepts of natural Equity and good Policy, may and ought to determin of Laws. For Physicians, who (as such) have in the management of State-Affairs no prejudice, if you open them the door, they will not at all, or very rarely, com in: wherby it appears, First, that such a bar may in som cases be no violation of Liberty; and, secondly, that the Divines, who for better causes might be as well satisfy'd, and for more unanswerable Reasons ought to forbear, yet are impatient, and give a full testimony that their meaning is not good.

THUS is the Commonwealth by Mr. WREN oppos'd, by him asserted. There remains no more to the full confutation of his Book, than to shew how the Monarchy by him asserted is by him destroy'd. This is to be don by the examination of his ninth Chapter, which is the next of those to which he refer'd us.

Sect. 3. *That Mr. Wren's Assertion of Monarchy amounts to the Subversion of it.*

THE opposition made by Mr. WREN to a Commonwealth, and his pretended asserting of Monarchy, run altogether upon Mr. HOBBS's Principles, and in his very words; but for want of understanding, much enervated: so that Mr. WREN's whole feat of Arms coms but to have given me a weaker Adversary for a stronger.

W. p. 97. *In Soverainty*, says he, *the diffus'd strength of the Multitude is united in one person; which in a Monarchy is a natural person; in a State, an artificial one procreated by the majority of Votes.*

W. p. 99. *This then is the grand security of all Soverains, whether single Persons or Assemblys, that the united Forces of their Subjects, with which they are invested, is sufficient to suppress the beginnings of Seditions.* Who reads Mr. HOBBS, if this be news? But what provision is made by either of these Authors, that the Forces of these Subjects must needs be united? Is Union in Forces, or in Government, an Effect wherof there is no Cause? Or to what cause are we to attribute this certain Union and grand Security? Why *let*

W. p. 103. *there be such a Nobility as may be a Monarch's Guard against the People.* And lest *a Monarch stand in need of another Guard against this Nobility, let none of these excel the rest of his Order in power or dignity.* Which Effects or Ends, thus commanded, vouchsafe not to acquaint us with

Ibid. their ways: Yes, *let the Nobility have no right to assemble themselves for electing a Successor to the Monarchy, or for making a War or Peace, or for nominating the great Ministers of State, or for performing any other Act which by the nature of it is inseparable from the soverain Power.* But why then must such a Nobility be a guard against the People, and not rather a guard for the People, seeing both their Interests and Sufferings at this rate are the same, and include those very causes for which, in the Barons War, the Nobility became Incendiarys and Leaders of the People of *England* against their Kings, and so those wherby their Captain came to excel the rest of his order in power or dignity? But for this

W. p. 105. the Prince is to be provided, *by having always in pay a sufficient Militia; and som places of strength where a few may be secure against a number.* For places of Strength, Citadels, or Castles, there were in the time of the Barons Wars, more than som; yet were they, as to this purpose, none. But a Militia is one thing, and a sufficient Militia is another; where the Government consists of a Nobility and of a People, what sufficient

ſufficient part of the Property or Revenue of the Territory can there remain to the Prince, wherby to have always in pay ſuch a Militia, as may be ſufficient to keep the Nobility and the People from joining, or to ſuppreſs them being join'd? If theſe be ſmall Armys, the like may befal them, which befel thoſe of the Kings in the Wars of the Barons. And if they be great Armys, the Prince has not wherwithal to ſupport or content them; nay if he had, Mr. WREN tells us plainly, W. p. 106. *That Princes who keep great Armys, as Guards to their Perſons or Empires, teach us that this is to walk upon Precipices; there being no poſſibility of preventing ſuch an Army (ſpecially if they ly ſtill without imployment) from acquiring an intereſt diſtinct from that of the Prince.* Wherfore (to follow Mr. WREN, and no other Leader, in his own words againſt himſelf) this Militia being great, cannot be ſo inſtituted, as to have no intereſt beſides the pay it receives from the Monarch; nor ſo as to have no hopes of being ſafe in their own ſtrength, if they ſhould withdraw themſelves from the Service and Obedience due to him: and being not great, againſt the whole Order or Orders of the Nobility and the People they cannot be ſufficient. What then remains but to ſay, that Mr. WREN having declar'd *the perfection of Monarchical Government* W. p. 107. *to conſiſt in a mixture of Monarchy by a Nobility, and a Monarchy by Arms*, has as to his Model intirely ſubverted Monarchy? In this way of diſputing, I have rather follow'd my Leader than Reaſon; the true Anſwer being that which was given in the Preface, namely, that an Army to be effectual in *England*, muſt be ſuch where the Officers have popular Eſtates, or where they have ſuch Eſtates as had the antient Nobility: in the latter caſe, they make a King; in the former, a Commonwealth. But Mr. WREN will have his own way; and therfore, to conclude, let me but deſire him to lay his hand upon his heart, and then tell me, whether the condition of the Nobility (to whoſe favor in my excluſion he pretends a meritorious Title) ſharing eminently and according to their rank with the People in the Commonwealth by me propos'd; or the condition of the Nobility under the inſolence and burden of a mercenary Army, ſharing equally with the People in Oppreſſion and Slavery, or reviving the old Barons Wars for new Liberty, in the Monarchy by him propos'd; be the more deſirable. And to ſpeak a word for my Adverſary, we will ſubmit it wholly to the preſent Nobility, whether Mr. WREN or I be ſo extravagant in theſe things, that they have or can have any other than the like choice. Yet *enters not Mr.* WREN Ibid. *into deſpair of living to injoy his ſhare* (which ought to be a good one) *of the Felicitys which will belong to the Subjects of ſuch a Government.* He looks upon Perſons, but Things are invincible.

THE reſt of his Book (to which *The Prerogative of Popular Government* is ſtill a complete Anſwer) conſiſts altogether of groſs evaſion or invective, or of drawing out of ſtory againſt Popular Prudence ſuch imaginary Swords as do but ſtand bent. To rectify or ſtreighten theſe, I may hereafter preſent him (if any man ſhall think it worth the while) with a fuller Anſwer.

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A WORD

Concerning a Houſe of PEERS.

NO man knowing what is neceſſary to the Foundation or Being of a Popular Government, can hope or expect the introduction of any ſuch Form, where Monarchy is not impracticable. They (where Monarchy is impracticable) who com firſt to diſcover it, and be convinc'd of it, if Reaſon be not altogether depos'd, are inevitable Leaders. Hence it is that our Commonwealthſmen are already renown'd throout this Nation for their invincible Reaſons, even by the confeſſion of their Opponents, or ſuch as procede nevertheleſs in other ways. But where Seed is ſo well ſown and rooted, intervening Poſſeſſion and Intereſts are like ſuch Weather as holding back the Spring, yet improves the Harveſt: Commonwealthſmen indeed may have a cold time on't, but upon the Commonwealth it muſt beſtow Fermentation. Had our incomparable Aſſertors of public Liberty appear'd before a univerſal eviction of the neceſſity which inforces their Cauſe, it muſt have bin thro ſuch a reluctancy, as would have made them glad to do things by halves, which is the only Rock to a riſing Commonwealth of Scandal, or of Danger; the whole being ſuch againſt which there is nothing to be alleg'd, and the half what may be eaſily confuted. Theſe things conſider'd, what appearance is there but that it muſt redound to the greater advantage of our Commonwealthſmen, that we are under the force of a preſent Humour which abhors the very name of a Commonwealth? Seeing by this means one of two things muſt of neceſſity happen, and com ſhortly to public view or diſcovery: either that Monarchy is practicable, or that it is not practicable; I mean, in our ſtate of Affairs, or in this preſent diſtribution of the Balance. If Monarchy be found practicable, Commonwealthſmen are ſatisfy'd in their Conſciences, and ſo ready in fair ways to return, and ſubmit not only for Wrath, but for Conſcience ſake. But (let Divines cry Atheiſm, and Lawyers Treaſon) if it be once diſcover'd to common Underſtanding that Monarchy is impracticable, then in coms the Commonwealth, not by halves, but with all its Tackling, full ſail, diſplaying its Streamers, and flouriſhing with Top and Topgallant.

THE ways wherby it is at hand to be diſcover'd whether Monarchy be practicable or impracticable, are particularly two; the one quicker, the other ſlower: The quicker way will be by the Workmen, the ſlower by the Work.

IF the Workmen, being willing, be yet overcom by the mere obſtinacy of their Matter, it amounts to a plain confeſſion, that Monarchy is impracticable. And if they give away the Libertys of the People, they are overcom by the obſtinacy of the Matter; for that is not their Work: nor any other Work than ſuch as muſt be uſeleſs, not ſo much in regard of it ſelf (tho that may be true enough) as by the want of any other Security than what the Prince had before, that

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is, an Army. And ſuch an Army, which for ſecurity is as good as none at all, nay the very contrary, as has bin ſhewn already: nor to be alter'd with better ſucceſs than theirs, who became Princes in *Grecian* and *Sicilian* States. *Art of Lawgiving* p 433.

BUT if the Workmen give not away the Libertys of the People, then muſt they ſo limit their Prince, that he can in no manner invade thoſe Libertys; and this by any other means than the full and perfect introduction of a well-order'd Commonwealth, they will find to be utterly impoſſible: So either way they are overcom by the mere obſtinacy of their Matter.

IF thro ſom ſecret Dictat (as when the Senat of *Rome* was *Conviva Cæſaris*) or a haſt to make riddance, this be not perceiv'd by the Workmen, it will be but the more perceivable by the Work when it coms to wearing or in practice; and the Flaws or Grievances being found inſupportable, the next Parlament, thro the mere want of any other remedy, muſt introduce a Commonwealth.

GOOD, and egregiouſly Prophetical! But what ſay you for all this, if we have a Houſe of Peers, and that even for the Lord's ſake, there being no other way to ſecure Liberty of Conſcience? Why I ſay, if we have a Houſe of Peers, it muſt be a Houſe of old Peers, or a Houſe of new Peers, or a Houſe of the one and the other. Moreover I ſay, Let it be which way you will, ſuch a Houſe may at ſom time, or for ſom reaſon, be perſonally affected to Liberty of Conſcience; but is a Conſtitution in it ſelf naturally averſe, and contrary to Liberty of Conſcience, and therfore can be no ſecurity to the ſame, whether the Lords be Spiritual, or Temporal, or partiperpale.

LORDS Spiritual are inſpir'd with a third Eſtate, or ſhare of a Realm, which gives no toleration to any Religion, but that only aſſerting this point, which is Monarchy. Setting this Oracle, and ſom like Reaſons of State aſide, we may think that every Soverainty (as ſuch) has Liberty of Conſcience: This a King having, cannot give; and a People having, will not loſe. For Liberty of Conſcience is in truth a kind of State, wherin a man is his own Prince: but a Houſe of Peers ſets up another Prince; it cannot ſtand without a King. If the Balance be in the Lords, as before HENRY the Seventh, yet muſt they have a King to unite them, and by whom to adminiſter their Government; and if the Balance be not in the Lords, they ſtand or fall with the King, as the Houſe of Peers in the Long Parlament and the King falling, their Government devolves to the People. Again, a Houſe of Peers having the overbalance, ſignifys ſomthing; in which caſe it has not bin known to be for Liberty of Conſcience: and not having the overbalance, ſignifys nothing; in which caſe it cannot ſecure the Liberty of Conſcience. Thus a Houſe of Peers, whether ſomthing or nothing, is no way for the Liberty of Conſcience; but every way for a King: and a King is a defender of the Faith. The Faith wherof a King is defender, muſt be that which is, or he ſhall call his own Faith; and this Faith it concerns his Crown and Dignity, that he defend againſt all other Faiths. True it is, that a King for a ſtep to a Throne, may uſe what is readieſt at hand: Otherwiſe where there is Liberty of Conſcience, to aſſert Civil Liberty by Scripture can be no Atheiſm; which lames a Prince of one Arm. But where Liberty of Conſcience is not at all, or not perfect, Divines, who (for the greater part) are no fair Huntſmen, but love dearly to be poaching or clubbing

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bing with the ſecular Arm (tho if we, who deſire no ſuch Advantages, might proſecute them for abuſing Scripture, as they have don this thouſand years, to all the ends, intents, and purpoſes of Monarchy, they would think it a hard caſe) Divines, I ſay, not only brand the Aſſertors of Civil Liberty with Atheiſm, but are ſome of them ſtudious in Contrivances, and quaint in Plots to give a check or remove to this or that eminent Patriot, by the like pretences or charges; which ſucceding accordingly by the power of a Parlament, they may at length com to have a Parlament in their power. Where there is no Liberty of Conſcience, there can be no Civil Liberty; and where there is no Civil Liberty, there can be no ſecurity to Liberty of Conſcience: but a Houſe of Peers is not only a neceſſary, but a declar'd check upon Civil Liberty: therfore it can be no ſecurity to Liberty of Conſcience. And ſo much for this particular.

NOW to make upon the other parts propos'd, and in a mere civil ſenſe, ſom farther conjecture.

WHEN a Houſe of Peers ſets up a Houſe of Commons, as in the Barons Wars, they will govern the Commons well enough for their own purpoſe, and not ſeldom the King too.

BUT we are to ſpeak of a thing without any example, a Houſe of Peers ſet up by a Houſe of Commons; nor, in the want of example, are we thought worthy by our Adverſarys to be furniſh'd with Reaſon: ſo the guidance of our Diſcourſe upon this point is committed to Mother Wit, a notable Goſſip, but not ſo good a Politician.

NEVERTHELESS, if this Houſe conſiſts of old Peerage only, we have direction enough to know how that will be; for either the ſingle Perſon, or the Commons will be predominant in the Government: if the Commons be ſo, then it will be with the Peers, as it was before their laſt Secluſion; that is, while they do as the Commons would have them, they may ſit; otherwiſe they are ſent home. And if the ſingle Perſon be predominant, it can be no otherwiſe than by an Army; in which caſe the old Peers being not in Arms, nor having any help that way, are as much under the Yoke as the Commons. By which it may be apparent, that it is the great intereſt of the preſent Peerage, that there be a well-order'd Commonwealth: otherwiſe the Commons being in bondage, the Lords, whom that leaſt becoms, are but equal with them: and being free, the Lords are not the head, but at the foot of them; wheras in an equal Commonwealth, that the Nobility be not at the head, or have not the leading, is quite contrary to all Reaſon and Experience.

IF the Houſe conſiſts of new Peers only, it muſt conſiſt of the chief Officers in the Army; which immediatly divides the Government into two diſtinct Governments: the one in the Houſe of Commons, whoſe Foundation is the Body of the People; the other in the Houſe of Peers, whoſe Foundation is the Army. This Army if it remains firm to the Peers, they not only command the Commons, but make and unmake Kings as they pleaſe; or as ambitious Partys and Perſons among themſelves are diligent or fortunat: But if the Army (as is moſt and more than moſt likely) coms off to the Commons, the Peers are nothing, and the Commons introduce a Commonwealth.

IF the Houſe conſiſts of new Peers and old, the old Peers while they like it, are Cyphers to new Figures; and when they like it not, may go home again: nor whether they ſtay or go, is this caſe ſo different from

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from the former, as to be any greater obſtruction to a Commonwealth.

TO hate the very name of a Commonwealth, or not to ſee that *England* can be no other, is as if men were not in earneſt. It is aſk'd of the Commons what the Protector ſhall be, and he can be nothing but what they will. It is aſk'd of the Commons what the other Houſe ſhall be, and it can be nothing but what the Commons will. The Commons are aſk'd whoſe the Army, whoſe the Militia, whoſe the Negative Vote is; nor can theſe be otherwiſe determin'd than as they pleaſe. The Commons are aſk'd whether they will make ſuch a War, whether they will pay ſuch a Debt, whether they will advance ſuch a Sum; all which are intirely at their diſcretion: therfore actually and poſitively *England* is a Commonwealth. Nay, and that there remain not the leaſt doubt, whether it be ſafe for any man to ſay thus much, the preſent Government has either no legal denomination at all, or is legally denominated the Commonwealth: the queſtion of the future ſtate of it coms not one whit upon the matter, which is already granted, but upon the form only. A Commonwealth for the matter makes it ſelf; and where they will not beſtow upon it the Form neceſſary, fails not of coming to ruin, or, at leaſt, to diſgrace the Workmen: Or, to ſpeak more properly and piouſly, a Commonwealth is not made by Men, but by God; and they who reſiſt his holy Will, are Weapons that cannot proſper.

Feb. 20.
1659.

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Six Political

TRACTS

Written on

Several Occaſions.

VIZ.

I. *Valerius* and *Publicola.* A Dialog.

II. A Syſtem of Politics, delineated in ſhort and eaſy Aphoriſms, now firſt publiſh'd from the Author's own Manuſcript.

III. Political Aphoriſms.

IV. Seven Models of a Commonwealth, Ancient and Modern, &c.

V. The Ways and Means of introducing a Commonwealth by the Conſent of the People.

VI. The humble Petition of divers well affected Perſons: with the Parlament's Anſwer therto.

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Valerius and Publicola:

Or, the True

FORM

OF A

POPULAR COMMONWEALTH

EXTRACTED

EX PURIS NATURALIBUS.

Quos perdere vult JUPITER, *hos dementat prius.*

To the READER.

THE way of Dialog being not faithfully manag'd, is of all other the moſt fraudulent; but being faithfully manag'd, is the cleareſt and moſt effectual for conveying a man's ſenſe into the underſtanding of his Reader. There is nothing in this World, next the favor of God, I ſo much deſire as to be familiarly underſtood; which becauſe great men have thought below them, has prov'd hitherto but the ruin of themſelves, and the detriment of the Public: for which reaſon, having try'd all other means, I now add this. My work, if I be not given over to utter blindneſs, is the ſame with, or neareſt, that of the Nation; and the Work of the Nation being not underſtood, is in extreme danger of utter ruin.

Valerius.

DEAREST PUBLICOLA, how have I long'd to meet you, and in the favorable ſilence of this long Walk!

Publicola.

What has my noble Friend VALERIUS to command his faithful Servant?

Val. Why really, notwithſtanding the tumult of theſe extravagant Changes, your laſt Diſcourſe had ſo much of my attention then, and has had ſuch a digeſtion with me ſince, that I feel it running in my Veins.

Pub. Do you find in that any temtation to the buckling on of High-ſhoon?

Val. My thoughts, PUBLICOLA, are quite of another ſtrain; ſometimes I fancy I ſee *England* graſping at Empire, like *Rome* it ſelf.

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Pub. Why then VALERIUS, my Diſcourſes are not ſuch as they ſay; there runs nothing of them in your Veins, that has imbas'd your noble Blood.

Val. The Heraldry of them is of as high a pitch as the Policy; but I would have them be a little lower in ſom things.

Pub. What are thoſe?

Val. The Vulgar complain of you, that you are too learn'd.

Pub. I thought it was not you, VALERIUS.

Val. For all that, I could be contented to ſee you raiſe your Structure by your own ſtrength, and without the help of other Authors.

Pub. That I dare ſay you may, when you pleaſe.

Val. I muſt ſee it then, before I loſe the covert of theſe reverend Elms.

Pub. You take care that the Building ſhould be well ſituated; and for the Foundation, I may preſume by what has already paſs'd between you and me, that we are long ſince agreed.

Val. That the threefold Balance, or Diſtribution of Property is the cauſe of the triple way of Government, I fully conſent with you; as alſo, that the Balance now in *England* is in the People plainly, and excluſively both of a King and Lords.

Pub. You are not of them that grant this, and then aſk which way a Commonwealth ſhould be introduc'd in *England*.

Val. Why truly yes; ſeeing not only the People are ſo wholly unacquainted with the means, but their Leaders ſo averſe to it.

Pub. Think you that a Plant grows the worſe for not underſtanding the manner of its Vegetation?

Val. A Plant is not a free Agent; but among Men who are free Agents, the Introduction of Government ſeems to be Arbitrary.

Pub. What, where there is no more than *Hobſon*'s choice, this or none?

Val. It is true, that if they can have nothing elſe, they muſt at length have a Commonwealth; but tho they can have nothing elſe to be holding, yet they will be trying other things.

Pub. There is all the miſchief.

Val. And enough to ruin the Nation.

Pub. To hurt it very ſore, but not to ruin it; nor yet to evade a Commonwealth, except they expoſe us to foren Invaſion.

Val. I am glad of your Confidence.

Pub. You may let it paſs for Confidence, if you pleaſe; but if there be no other way except that only of Invaſion, wherby the preſent Balance can receive a change ſudden enough to admit of any other Form, the reaſon why we muſt have a Commonwealth is coercive.

Val. And putting the caſe it be the Will of God to defend us from foren Invaſion, how long will it be ere they ſee at home the coerciveneſs of this Reaſon, or, which is all one, that all Power is in and from the People?

Pub. Good VALERIUS, how long is it ſince this was both ſeen and declar'd in Parlament?

Val. Perhaps as they meant, it might be admitted as a Principle even in Monarchy.

Pub. This with your pardon you will revoke, ſeeing you well remember that this their Declaration of Power in the People, has bin excluſive of King and Lords, and that in expreſs terms.

Val.

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Val. But in this they related not at all to the Diſtribution of Property.

Pub. Why then, there is not ſuch a difference between the growing of a Plant and of a Commonwealth, as you thought; ſeeing a Commonwealth knowing as little, dos no leſs.

Val. This of all others is to me a Conſideration fulleſt of comfort.

Pub. It will in time procede accordingly, thro a mere neceſſity of nature, or by feeling; but your deſire, I ſuppoſe, is to know how it ſhould be rationally introduc'd, or by ſeeing, and that with more eaſe and greater ſpeed.

Val. If it might pleaſe God, I would live to have my ſhare of it, tho I fear I never ſhall.

Pub. You carve for yourſelf ill: for by hope a man injoys even that which he never coms to attain; and by fear he is depriv'd even of that which he coms not to loſe.

Val. I muſt confeſs that our Army has it now in their power to introduce a Commonwealth.

Pub. And there is no other action in their power that can excuſe them.

Val. Putting the caſe they would hearken to you, what courſe would you adviſe?

Pub. The ſame I have advis'd over and over.

Val. As how?

Pub. As how! is that yet a Queſtion? Let them divide the Territory into fifty equal parts.

Val. They will never make a new diviſion.

Pub. Why then they ſhall never have an equal Commonwealth.

Val. What ill luck is this, that the firſt ſtep ſhould be ſo difficult?

Pub. You ſpeak as if never any Territory had bin divided, wheras there is none that has not; and Surveyors will tell you, it is a work to be perfectly perform'd in two months, and with eaſe.

Val. Putting the caſe this were don, what is next?

Pub. The next is, that the Commonwealth were complete.

Val. Say you ſo? this indeed makes amends: but how?

Pub. With no more addition, than that the People in every diſtinct diviſion elect annually two Knights and ſeven Deputys.

Val. I dare ſay the People would never ſtick at this.

Pub. Not ſticking at this, they of their own power have inſtituted the two great Aſſemblys, of which every Commonwealth conſiſts.

Val. But in adviſing theſe things, you muſt adviſe men ſo that they may underſtand them.

Pub. Valerius, could I as eaſily have advis'd men how to underſtand, as what to do, there had bin a Commonwealth ere this.

Val. Com, I will have you try ſomthing of this kind, and begin upon ſome known Principle, as this, *All Power is in the People.*

Pub. Content. But the diffuſive Body of the People (at leaſt in a Territorry of this extent) can never exerciſe any Power at all.

Val. That is certain.

Pub. Hence is the neceſſity of ſom form of Government.

Val. That is, the People of themſelves being in a natural incapacity of exerciſing Power, muſt be brought into ſom artificial or political capacity of exerciſing the ſame.

Pub. Right. Now this may be don three ways; as firſt, by a ſingle Perſon—

Val.

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Val. How!

Pub. Nay, I am not likely to trouble you much upon this point: but as you were intimating juſt now, there are Royaliſts who derive the original Right of Monarchy from the conſent of the People.

Val. There are ſo.

Pub. And theſe hold the King to be nothing elſe, but the Repreſenter of the People and their Power.

Val. As the *Turc*.

Pub. Yes, as the *Turc*.

Val. The People's Power at that rate coms to the People's Slavery.

Pub. You ſay right; and ſo it may at other rates too.

Val. As how?

Pub. Why, as I was about to ſay, The Power of the People may be politically brought into exerciſe three ways: by a ſingle Perſon; by an Aſſembly conſiſting of a few; or by an Aſſembly conſiſting of many.

Val. Or by a mixture.

Pub. Nay, I pray let that alone yet a while: for which way ſoever you go, it muſt com at length to ſom mixture, ſeeing the ſingle Perſon you nam'd but now, without his *Divan* or Council to debate and propoſe to him, would make but bad work even for himſelf. But as the Government coms to be pitch'd fundamentally upon one of theſe three, ſo it differs not only in name, but in nature.

Val. I apprehend you, as Monarchy, Ariſtocracy, and Democracy.

Pub. Nay, you are out with your Learning, when you have forbidden it me. But in Countrys where there is not a Nobility ſufficiently balanc'd or inrich'd, there can be none of your Ariſtocracy; and yet there may (as long as it will laſt) be a Government in a few.

Val. What call you that?

Pub. Nay, what ſay you?

Val. Com, it is Oligarchy: when all is don, ſom words of Art we muſt uſe.

Pub. I thought you would com to it; and yet ſeeing I have promis'd, I will be ſparing. But with your pardon, you have diſorder'd my Diſcourſe, or by this time I had ſhew'd, that if the Power of the People be committed to a ſingle Perſon, the common Intereſt is ſubmitted to that of a Family; and if it be committed to a few, it is ſubmitted to the Intereſt of a few Familys.

Val. Which, ſo many times as they are more than one, is ſo many times worſe than Monarchy.

Pub. I am not ſorry that you are of that mind. For there is no ſuch thing as a Commonwealth, or, as you, ſay, Democracy in Nature, if it be not pitch'd upon a numerous Aſſembly of the People.

Val. What call you numerous?

Pub. Why an Aſſembly ſuch for number as can neither go upon the intereſt of one ſingle Perſon or Family, nor the intereſt of a few Perſons or Familys.

Val. How will you conſtitute ſuch an Aſſembly?

Pub. Commonwealths, for the Conſtitution of their Popular Aſſemblys, have had two ways. The firſt by inrolling all their Citizens, and ſtating the *Quorum* in ſuch ſort, that all to and above the ſtated number repairing at the time and place appointed, are impower'd to give the Vote of the whole Commonwealth.

Val.

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Val. The *Athenian Quorum* was ſix thouſand; which towards the latter end of that Commonwealth came to five.

Pub. So, ſo, you may quote Authors: But you may remember alſo, that *Athens* was a ſmall Commonwealth.

Val. How many would you adviſe for *England?*

Pub. Put the caſe I ſhould ſay, ten thouſand?

Val. They will laugh at you.

Pub. What can I help that? or how many would you adviſe?

Val. I would not go above five thouſand?

Pub. Mark you then: they only that are neareſt would com; and ſo the City of *London* would give Law to the whole Nation.

Val. Why really that ſame now is clear; but would there be leſs danger of it, in caſe you ſtated your *Quorum* at ten, at twenty, or tho it were at a hundred or two hundred thouſand?

Pub. No: For which cauſe, as to *England*, it is a plain caſe, that this is no way for the inſtitution of a popular Aſſemby.

Val. Which way then?

Pub. For *England* there is no way but by Repreſentative, to be made to riſe equally and methodically by ſtated Elections of the People throout the whole Nation.

Val. Needs this to be ſo numerous as the other?

Pub. No.

Val. Why?

Pub. Becauſe it is not obnoxious to a Party, to any certain Rank, or ſuch as are ſooneſt upon the ſpur, or that make leaſt account of their Pains or of their Mony.

Val. Will you be ſo curious?

Pub. Do you think this a Curioſity? How elſe will you avoid improvement in the Intereſt of the better ſort, to the detriment of thoſe of meaner rank; or in the Intereſt of the Few, to the detriment of that of the Many?

Val. But even this way there is danger of that foul Beaſt the Oligarchy.

Pub. Look about you. The Parlament declares all Power to be in the People; is that in the better ſort only?

Val Stay; the King was to obſerve *Leges & Conſtitutiones quas vulgus elegerit:* That *Vulgus* is to be underſtood of the Parlament; and the Parlament conſiſted wholly of the better ſort.

Pub. It is true; but then that Commonwealth acted in all things accordingly.

Val. It was, you will ſay, no Democracy.

Pub. And will you ſay it was?

Val. No truly: yet this deriv'd in part from the free Election of the People.

Pub. How free? ſeeing the People, then under Lords, dar'd not to elect otherwiſe than as pleas'd thoſe Lords.

Val. Somthing of that is true; but I am perſuaded that the People, not under Lords, will yet be moſt addicted to the better ſort.

Pub. That is certain.

Val. How then will you prevent the like in your Inſtitution?

Pub. You ſhall ſee preſently. The diffuſive Body of the People, in which the Power is, and is declar'd to be, conſiſts in the far greater part of the lower ſort: wherfore their Repreſentative, to riſe natural-

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ly, and to be exactly comprehenſive of the Common Intereſt, muſt conſiſt alſo in the far greater part of the lower ſort.

Val. Of what number will you have this Repreſentative?

Pub. Suppoſe a thouſand, or therabout.

Val. What proportion will you have the meaner ſort in it to hold to the better?

Pub. Suppoſe about ſix to four.

Val. How will you order it, that it ſhall be ſo conſtituted?

Pub. Why thus: Let the People in every Precinct or Shire at Election chuſe four under one hundred pounds a year in Lands, Goods, or Mony, together with three at or above that proportion.

Val. I ſee not but this Repreſentative muſt be exact.

Pub. It is yet none at all; that is, unleſs you preſume Changes: for one thouſand, without change governing the whole People, amounts neither to a Repreſentative nor to a Commonwealth, but coms ſtill to your hard name.

Val. How do you order your Changes?

Pub. By annual election of one third part for three years.

Val. So that every year one third part of your Aſſembly falls out of it, and a new third part at the ſame time enters into the ſame.

Pub. Even ſo.

Val. This cauſes the Repreſentative to be perpetually extant.

Pub. It dos ſo: But to reſpit that a little, I ſhould be glad, before I ſtir farther, to know which way the Vote of a Repreſentative thus conſtituted, can go one hair's breadth beſide the common and public Intereſt of the whole diffuſive Body of the People.

Val. No way in the Earth that I can imagin, except thro ignorance.

Pub. No Human Ordinance is infallible; and what is don thro mere ignorance or miſtake at one time, will be found and amended at another.

Val. A thouſand men, and ſix to four of the lower ſort perpetually extant! this muſt be a grievous Charge to the moſt of them; it will be hard to bring them, and impoſſible to hold them together.

Pub. Upon ſuch as are elected and com not, conſiderable Fines muſt be levy'd; and ſuch as com and ſtay together muſt have good Salarys.

Val. Salarys to ſo many! what will that com to?

Pub. Not, with the reſt of the Commonwealth, to three hundred thouſand pounds a year.

Val. Why? the Kings have rarely had above ſix.

Pub. And did *England* ever grudg them any part of that proportion?

Val. I muſt confeſs the Quarrel grew when they would not be contented with ſo little.

Pub. Now if *England* never did, nor needed grudg a King ſix hundred thouſand pounds a year, to be ſpent among Courtiers, why ſhould we imagin ſhe ſhould grudg a Commonwealth three hundred thouſand pounds a year, to be ſpent among Magiſtrats?

Val. But Parlamentmen have taken nothing.

Pub. Have the People given nothing?

Val. That was for the maintenance of Armys.

Pub. And whether had you rather maintain Armys or Magiſtrats?

Val.

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Val. But putting the caſe that this Aſſembly needed not to be perpetually extant, this Charge in the whole or in the far greater part might be abated.

Pub. I cannot tell: for how often think you fit that this Aſſembly ſhould convene?

Val. Parlaments at moſt met not above once a year.

Pub. If they had bin perpetually extant, there would have bin no King.

Val. No truly, except in name only.

Pub. Therfore the Popular Aſſembly in a Commonwealth ought not to be perpetually extant.

Val. To the end, you will ſay, that there may be ſom King.

Pub. Mock not: or what other guard of Liberty is there in any Commonwealth, but the Popular Aſſembly?

Val. Com, let them aſſemble twice a year upon their ordinary Guard.

Pub. And what if there be an extraordinary occaſion?

Val. Then, as often as there is any ſuch occaſion.

Pub. How much will this abate of their neceſſary Charge, or of the Salarys? And how much better were it for a Repreſentative to lead the Life of Stateſmen than of Carriers?

Val. Commonwealths, whoſe aſſemblys have bin of the former kind, have call'd them no otherwiſe than at ſtated times, or upon extraordinary occaſions.

Pub. But then their Aſſemblys were not equal Repreſentatives, but conſiſted of ſuch as being next at hand were ſtill ready upon any occaſion.

Val. That makes indeed a conſiderable difference: But were this Repreſentative always extant, I cannot ſee but it would have nothing to do.

Pub. And in caſe it be not always extant, you imagin that it may have ſomthing to do.

Val. Yes.

Pub. Then whether gos it better with the Commonwealth when the Repreſentative has ſomthing to do, or when it has nothing to do?

Val. This is very quaint.

Pub. No truly, VALERIUS, it is plain, that the Guard of Liberty perpetually extant, in doing nothing muſt do much; and not perpetually extant, in doing much may do nothing.

Val. I am afraid that having nothing to do, they will make work.

Pub. Such I warrant you as the Parlament and the Army made the other day.

Val. Nay, I am not ſo wide. A civil Council and a ſtanding Army muſt needs have Intereſts much more diſtinct than two civil Aſſemblys; and where there is not a like cauſe, I know well enough there cannot be the like effect.

Pub. I ſhall deſire no more, than that you will hold to this; and then tell me what Diſputes there us'd to be between the Senat of *Venice* and the great Council, which is perpetually extant, and conſiſts of about two thouſand.

Val. Nay, certain it is, that between thoſe two there never was any diſpute at all.

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Pub. Then tell me for what cauſe ſuch a thing ſhould any more happen between the Aſſemblys propos'd; or, according to your own rule, from like cauſes expect like effects.

Val. You put me to it.

Pub. Nay, it is you that put me to it; for you will be preſuming that this Aſſembly can have nothing to do, before we com to conſider what are their proper Buſineſſes and Functions.

Val. I beg your pardon, and what are thoſe?

Pub. Why ſurely no ſmall matters; for in every Commonwealth truly Popular, it is inſeparable from the Aſſembly of the People that firſt they wholly and only have the right of Reſult in all matters of Lawgiving, of making Peace and War, and in levying Men and Mony: Secondly, That the ultimat Reſult in Judicature ly to them: and thirdly, That they have right to call to account, and to puniſh their Magiſtrats for all matters of Maladminiſtration of Government.

Val. I aſſure you this muſt amount to a great deal of buſineſs.

Pub. Certain it is, that in ſom Commonwealths the Popular Aſſembly by this means has bin perpetually imploy'd.

Val. And ſo I think it might be in *England.*

Pub. It might; but I do not think it would. However, if it be in the undoubted right of the Popular Aſſembly to procede againſt their Magiſtrats for Maladminiſtration, would you leave it upon the hand of thoſe Magiſtrats, whether this Repreſentative ſhould aſſemble or no?

Val. Com, you have ſaid enough, it were not prudent: but as to the matter of Appeals, it is certain that in *Iſrael* the ultimat Reſort was to the Sanhedrim or 70 Elders.

Pub. I know it very well: nevertheleſs you ſhall find that the Congregation judg'd *Benjamin*; and if you mark the Appeal to the 70 Elders, you ſhall find that it was not an Appeal of the Party for Relief, but of the Judges in inferior Courts for further light and direction in difficult caſes of the Law.

Val. Let me but know in what manner this Aſſembly is to perform theſe Functions, and I have don.

Pub. Why as to matter of Lawgiving, I told you that they wholly and only have the right and power of Reſult.

Val. But to Reſult, there muſt neceſſarily go precedent Debate; ſeeing a Man, much leſs an Aſſembly, reſolves not upon any thing without ſom Conſiderations, Motives or Reaſons therto conducing, which ought to be firſt orderly and maturely debated: and how will you bring a thouſand men, eſpecially being ſix to four of the lower ſort, to debate any thing with order and maturity?

Pub. You ſay that the Popular Aſſembly in *Athens* conſiſted at the leaſt of five thouſand.

Val. And I ſaid true.

Pub. Yet this Aſſembly debated: Why may not a thouſand men debate as well as five thouſand?

Val. As well! Nay PUBLICOLA, if they debate no better in your Commonwealth than they did in that, you may know what will becom of it. And to tell you true, I do not think that a thouſand men can debate any whit more orderly and maturely than five thouſand.

Pub. And ſo think I too.

Val. How then?

Pub.

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Pub. How then? Why this is the reaſon of the Senat in every Commonwealth.

Val. So there muſt be a Senat, which amounts to thus much; without a Senat there can be no Commonwealth, and with a Senat there will always be Practices upon the Liberty of the People.

Pub. How prove you that?

Val. Why by the Senat of *Lacedemon* in the beginning, and by the Senat of *Rome* throout.

Pub. But find you the like by the Senat of *Athens* and *Venice?*

Val. No.

Pub. Conſider then that theſe were by Election of the People, and upon frequent Removes, and that the former were defective in one or in both theſe circumſtances.

Val. You intend your Senat upon Removes then?

Pub. Right.

Val. And Elective by the People?

Pub. Yes.

Val. How? by the Popular Aſſembly, or by the body of the People in their Precincts?

Pub. By the body of the People in their Precincts, at the ſame time when they elect their other Deputys, and with the ſame circumſtances, except that theſe be all elected out of ſuch as have a hundred pounds a year real or perſonal.

Val. What hurt, if they were elected by the Popular Aſſembly?

Pub. They would not derive ſo immediatly, nor riſe ſo equally from the People, as when choſen in the Precincts; becauſe this way every Shire coms neceſſarily to have a ſhare in the Senat: beſides, wiſe men and underſtanding are better known in their Tribes than they can be in an Aſſembly out of their Tribes, eſpecially while they are new comers; nor will the Popular Aſſembly afford ſo good a choice as the whole People. There are other Reaſons.

Val. Enough, enough. Of what number do you conſtitute this Senat?

Pub. Of three hundred.

Val. Why ſhould not one hundred be full enough for a debating Council, eſpecially ſeeing Debate is the more orderly where the Counſillors are fewer?

Pub. You are to bear it in mind, that this Senat is upon annual change in one third part.

Val. That is, every year one hundred having ſerv'd three years, go out, and a new hundred coms in.

Pub. Right: for which cauſe, to have one hundred well practis'd in debate, your Senat muſt conſiſt of three hundred.

Val. May not thoſe that go out com preſently in again by a new Election?

Pub. Not at all; for that were yet another way of continuing the Government in a few.

Val. Do you mean that no man ſhall ſerve in this Capacity, or in that of the Popular Aſſembly, but once in his life?

Pub. I mean that a man, having ſerv'd his term in one of theſe, may after a like vacation or interval be elected again to ſerve in either of them, and not before.

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Val. At what age do you make a man capable of theſe Elections?

Pub. Not till thirty.

Val. He ſtays a great while ere he coms to preferment, and is ſoon out again: at which rate a man ſhould have much ado to attain to ſufficient knowlege for the leading of the Commonwealth.

Pub. This was never objected againſt Parlaments.

Val. It is true: but then the Election of Parlamentmen was not oblig'd to any Interval, and divers have bin of every Parlament that was ſummon'd during their Lives.

Pub. Parlaments, when they were the moſt frequent, aſſembl'd not above once a year, very rarely ſo often; and how long, pray, did they uſually ſit?

Val. Som two or three months.

Pub. I allow you the moſt you aſk: at which rate a man that had ſat in twenty Parlaments, could not have ſat above four years complete.

Val. And in your Parlament, at one Election he ſits three.

Pub. Mark you that?

Val. Yes, and more: Wheras a Parlamentman without interval could in twenty years have ſat but four complete, in your Aſſemblys a man obſerving his intervals, may in twenty years ſerve ten years complete.

Pub. You allow that, I hope, to be ſom advantage towards acquiring knowlege in conduct; and yet antiently your Parlamentmen were in this point thought able enough.

Val. Now would I deſire no more than to be as fully ſatisfy'd, that theſe Senators muſt be honeſt enough.

Pub. Which way can they be diſhoneſt?

Val. Indeed I am not yet acquainted with their ways: but if nothing can be propos'd to the popular Aſſembly, except by theſe only, they ſhould, I think, propoſe nothing but what is for their own advantage.

Pub. They are the Senat: and in that they have all the advantages that a well-order'd Commonwealth can give to a Senat.

Val. But they will be ſtill hankering after more.

Pub. As what?

Val. Why Riches or Power.

Pub. All Magiſtrats are accountable to the Popular Aſſembly; and ſo, without acquiſition of Power, I cannot imagin which way they ſhould turn themſelves to the acquiſition of Riches.

Val. They will drive then at Power; they will be coordinat.

Pub. In the World there has never yet bin any Senat that durſt ſo much as pretend to Power.

Val. No? Had not the Senat of *Iſrael*, and that of *Lacedemon* Power?

Pub. Executive Power they had, in as much as they were Judicatorys; but Legiſlative or Soverain Power (which is that wherof we ſpeak) they had none at all.

Val. Other Senats have had other power, as in the managing of foren Affairs, and the like.

Pub. Which ſtill coms not to the point in hand, becauſe in theſe and the like matters, as the creation of divers Magiſtrats, the Senat uſes to be made Plenipotentiary by the Popular Aſſembly, that is, by Law.

Val.

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Val. I hear them talk of making a coordinat Senat firſt, and without the People, and then of aſſembling a Parlament in the old way to govern with that Senat.

Pub. Things, VALERIUS, are ſoon ſaid; but if any Parlament whatever, ſo it be elected by the People (and, perhaps, if otherwiſe) do not make it one of their firſt works to pull down a coordinat Senat, I aſk no credit to my Politics.

Val. This is to propheſy.

Pub. Then, to reaſon the caſe: I ſay, That the Senat aſſuming Power, the popular Aſſembly falls immediatly to debate; and the popular Aſſembly debating, the Senat is *ipſo facto* depos'd, there being no other neceſſary uſe or function of the Senat but Debate only.

Val. You ſaid but now, That the Popular Aſſembly could not debate.

Pub. Not orderly and maturely: but upon ſuch an occaſion as this, they will do as they can; nor is it avoidable.

Val. Nay, if there be ſom occaſion in which you allow that the popular Aſſembly muſt and ought to debate, there will hardly be any in which they will be perſuaded that they may not. So this will com to the pulling down of the Senat as often as the People pleaſe.

Pub. Which is ſo much the rather to be fear'd, becauſe you ſhall never find that popular Aſſembly which did ever actually depoſe their Senat.

Val. Our Army has pull'd down a good many Parlaments.

Pub. What is that to the purpoſe? Is our Army a popular Aſſembly? Yet let them pull down a Parlament as often as they pleaſe, they muſt ſet up another; and in this indeed there may be ſom reſemblance: for let a popular Aſſembly pull down the Senat as often as they pleaſe, they muſt ſet up another.

Val. Or a ſingle Perſon.

Pub. Right: for that holds both ways too, and (as to our caſe) will ſtand neither.

Val. The People of *Athens* debated, yet for all that their Senat was not depos'd.

Pub. Not formally; but it remain'd little better than a Warren, wherin great Men did, as it were, ſtart hares, to be hunted in the tumult of the popular Aſſembly.

Val. Verily, PUBLICOLA, this Model of yours is a moſt entire thing.

Pub. This with the neceſſary conſequences, as the diviſion of the Senat into Senatorian Councils, the adorning and actuating of this and the other Aſſembly with fit Magiſtrats, wherof I have ſufficiently diſcours'd in other places, amounts to an entire thing.

Val. And you offer it freely.

Pub. I do.

Val. Would it not grieve you to ſee them crop a little of it, and ſpoil it?

Pub. They had better take it to ſom purpoſe.

Val. Nay, what they take will be to ſom purpoſe, I warrant you. Com, there is a Party, a ſelect, a refin'd Party, a Nation in a Nation, that muſt and will govern.

Pub. That is it which I deſire to ſee.

Val. You are of a rare temper: happy in unhappineſs.

Pub.

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Pub. O I love frequent Changes.

Val. Is that any of your Virtues?

Pub. Yes, where we are certain never to go right, while there remains a way to go wrong.

Val. They are confident men. They cannot be perſuaded but they can govern the World.

Pub. Till they have try'd. Such as can govern the World, are ſuch as can be govern'd by Reaſon. Now there is no Party refin'd, ſelect, or what you will in *England*, amounting to one twentieth part of the People.

Val. One twentieth part of the People, for aught I know, may amount to a hundred thouſand; there is no Party any thing near this account, I dare ſay.

Pub. A twentieth part of the People can never govern the other nineteen but by a perpetual Army.

Val. They do not like that the worſe.

Pub. The People having been govern'd by a King without an Army, and being govern'd by a Commonwealth with an Army, will deteſt the Government of a Commonwealth, and deſire that of a King.

Val. Yes, ſuch is the ſpirit of the Nation.

Pub. Such is the ſpirit in this caſe of any Nation.

Val. And yet they make it a particular quarrel.

Pub. They make every thing particular: if you ſpeak of *Iſrael*, *Athens*, *Rome*, *Venice*, or the like, they hear you with volubility of countenance; and will not have it that God ever minded the matter of Government, till he brought them in play. Nay, tho they have com heels over head for this very thing, I know not how often, yet they are reſolv'd to take no warning.

Val. PUBLICOLA, you will be ſhent.

Pub. I am to perform my duty. To flatter is not my duty.

Val. But between you and me, Do you not think that the ſpirit of the Nation, or the main body of the People of this Land, deſires the reſtitution of their antient Government?

Pub. I make little doubt of it.

Val. How then in caſe of a Commonwealth are they to be truſted?

Pub. In caſe of a Commonwealth, it is not the People that are truſted, but the Orders of the Commonwealth.

Val. The Commonwealth muſt conſiſt of the People.

Pub. The People under the Monarchy, when that invaded them, invaded it.

Val. True, and in ſuch a manner as has caus'd the ruin of it.

Pub. What was the ſpirit of the People then?

Val. But it is now another thing.

Pub. Nay, the very ſame: for then it invaded a Government that invaded their Liberty, and now it would invade a Government that invades their Liberty.

Val. But how ſhould this be mended?

Pub. Do you not ſee that this ſhould not be mended, but incourag'd?

Val. How ſhould it be incourag'd then?

Pub. By giving them a form that muſt preſerve their Liberty.

Val. I little doubt but there is in your Form a full ſecurity to the People of their Liberty: but do you think that there is in it any full ſecurity

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ſecurity that the People ſhall not caſt off this Form?

Pub. If it ſecures their Liberty, why ſhould they?

Val. My queſtion is not, why they ſhould, but whether they can.

Pub. They cannot, without going againſt their own intereſt.

Val. But they can go againſt their own intereſt.

Pub. Nay, remember your ſelf, whether the Form ſhewn be not ſuch, as you have already granted can in no wiſe go beſide the intereſt of the whole People.

Val. They that are now in power, have no truſt at all in Forms.

Pub. Do they ſail in Ships, not upon Planks? Do they ride Horſes, not Hogs? Do they travel in Coaches, not upon Hurdles? Do they live in Houſes, not in Ditches? Do they eat Bread, not Stones?

Val. Enough, enough.

Pub. But in ſo doing, they acknowlege ſuch a Form to be ſecurity for ſuch a uſe or action. And muſt the form of a Commonwealth be the only form in which they can allow no ſecurity for the proper uſe and action?

Val. They obſerve none of this.

Pub. Do they obſerve that there is any ſecurity in Men?

Val. That, eſpecially in our times, were ſomwhat a hard matter.

Pub. And how many Securitys are there?

Val. I know no more, than one perſonal, or in Men; another real, or in Things.

Pub. Chuſe you whether you would have.

Val. Well, be the neceſſary action or uſe of your Form what it will, I would ſee it more plainly and particularly demonſtrated how the ſpirit of the Nation, or the whole People, being freely eligible into your aſſemblys, muſt preſently loſe that inclination which now plainly they have to ſet up Monarchy, or to perſecute for Conſcience.

Pub. You will allow no weight in the Argument, that a People in Liberty, unleſs the Orders of their Commonwealth were firſt fundamentally ruin'd, that is, broken in the balance or foundation, did never do either of theſe.

Val. What weight ſoever I allow to this Argument, it is no ways to my preſent purpoſe.

Pub. You will put me then beſide experience, and to ſhew by what reaſon it is that a Peartree muſt bear Pears, or why men gather not Grapes on Thorns, or Figs on Thiſtles.

Val. Poor PUBLICOLA, be the taſk as hard as it will, I am for this time reſolv'd to hold you to it.

Pub. What is it then that any Government can be ſufficiently founded or balanc'd upon, but ſuch an Intereſt as is ſufficiently able to bear it?

Val. Good Sir, a Government ought to be founded upon Juſtice, I take it.

Pub. Right: and is not that Government which is founded upon an Intereſt not ſufficiently able to bear it, founded upon Injuſtice?

Val. I ſuſpect whither this will go. A Government founded upon the overbalance of Property, is legitimatly founded, and ſo upon Juſtice; but a Government founded upon the underbalance of Property, muſt of neceſſity be founded upon Force, or a ſtanding Army. Is not this that which you mean by Intereſt ſufficient or not ſufficient to ſuſtain a Government?

Pub. You have it right.

Val.

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Val. O Atheiſt! this damns the Government of the Saints.

Pub. Look you now, how irreligious a thing it may be made, to ſpeak but with common honeſty. Do you think that ſuch as are plainly Oligarchiſts, or ſhall exerciſe by a force, and without election by the People, ſuch a Power as is both naturally and declaredly in the People, and in them only, can eſtabliſh their Throne upon Juſtice?

Val. No.

Pub. Do you think that ſuch as are truly Saints, can eſtabliſh their Throne upon Injuſtice?

Val. No.

Pub. Why then you have granted, that ſuch as are plainly Oligarchiſts cannot be truly Saints. Again, do you ſtill think, as you once intimated, that a Government now introduc'd in *England*, exactly according to the Principles of Prudence and Juſtice, would rule the Earth?

Val. Yes.

Pub. Do you think, that ſuch as are truly Saints, if they introduce a Government, ought to introduce it exactly according to the Principles of Prudence and Juſtice?

Val. Yes.

Pub. Why then, let ſuch as are truly Saints but ſee what it is to rule the Earth, and take the Rule of the Earth.

Val. They will not approve of this way.

Pub. How! not the Saints approve of Prudence and Juſtice! Who is the Atheiſt now, VALERIUS?

Val. Good PUBLICOLA, let us keep to the point in hand. You ſay, That the ſecurity of Liberty lys not in the People, but in the form of their Government; ſo I am yet to expect when you will ſhew, what there is in your form, why it muſt be impoſſible for the People under it to reſtore Monarchy, or to perſecute for Conſcience.

Pub. See you not, that to do either of theſe under ſuch a form, muſt be pointblank againſt their Intereſt?

Val. But ſo either of theſe is now, and yet in this poſture you will confeſs that they would do both.

Pub. Mark how I am us'd. I ſpeak of a Form ſupported by an Intereſt ſufficiently able to bear it, and of an Intereſt contain'd under a Form ſufficiently able to ſecure it, and you inſtance in a Poſture which is no form at all, but ſuch a confuſion among, and force upon the People, as creates an Intereſt in them to rid themſelves which way they can of ſuch a miſery.

Val. I did acknowlege and muſt confeſs, that your popular Aſſembly is ſuch as cannot err, except thro ignorance; but thro this, you your ſelf have acknowleg'd and muſt confeſs, that it may er.

Pub. I retract nothing.

Val. Now firſt, or never, they will reſtore Monarchy thro ignorance.

Pub. But they cannot do this firſt, therfore they can never do it.

Val. Why cannot the Popular Aſſembly do this firſt?

Pub. Becauſe it muſt firſt be propos'd by a Senat, that can neither do any ſuch thing thro ignorance nor thro knowlege.

Val. Nay, then have at you; I will ſet this ſame Senat and Repreſentative of yours to work in ſuch a manner, that you ſhall confeſs they may ſet up Monarchy.

Pub.

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Pub. Do your worſt.

Val. Your Senat being aſſembl'd (I will not have them make long Speeches;

Pub. Nor I.)

Val. Riſes me up one of the Senators, and ſays, 'Mr. Speaker, 'this Nation has bin long in labor, but now thro the mercy of God, 'the Child is not only com to the Birth, but there is alſo ſtrength to 'bring forth: In the number of Counſillors there is ſtrength; the 'number of this Houſe is good (far better than has uſually bin of late) 'and their Election has bin very free and fair. Here is alſo, I know 'not how (but the Inventions of men are overrul'd by the Providence 'of God) an extraordinary and exceding great confluence of honeſt 'men, who are not ſo well here; and if you determin any thing that 'is good for your Country, will go home and pray for you. Now, 'Sir, (to be brief) ſince our Government conſiſted of King, Lords, 'and Commons, the antient, the only, the moſt happy Government 'that this Nation, nay, that the world ever knew, it is but too well 'known, that we have had no Government at all: wherfore my o-'pinion is, that we propoſe, as they call it, to theſe honeſt men (who 'you need not doubt will receive it with glad hearts) the reſtitution 'of Right, and of the Government in this Nation by King, Lords, 'and Commons.'

As ſure as you live, PUBLICOLA, thus much being ſaid, your whole Senat will immediatly agree to propoſe it to the Repreſentative: and thus much being propoſed to the Repreſentative, thoſe People will throw up their Caps for joy, and immediatly return to their Houſes.

Pub. But VALERIUS, thus much has bin ſaid in Parlament when the Houſe was fuller; when they who were for this Reſtitution were back'd by a ſingle Perſon in actual poſſeſſion of the Throne; when over and above the zeal of the *Preſbyterians*, there were Partys that knew no other means of ſelf-preſervation; as without, Divines belaboring the Oak of every Pulpit; and within, Lawyers, Officers, and Penſioners: yet was it ſo far from being carry'd, that the ſingle Perſon has bin forc'd to diſſolve Parlaments, and that thro apparent danger of being overrun by the Principles of a Commonwealth not in being. But if this were ſo when a Commonwealth could ſcarce be hoped, what will it be when the Commonwealth ſhall be in ſuch a condition as cannot be withſtood? for the Senat can never com to propoſe any thing to the People without firſt agreing upon debating what it is they will propoſe; nor is it poſſible that ſuch Debate ſhould be brought to any end, but by reaſons therto conducing: now it muſt not only be impoſſible to find reaſons for the reſtitution of Monarchy, but the reaſons why Monarchy ought not to be reſtor'd muſt be obvious; not only in regard that it is quite contrary to the intereſt of the Nation, and of theſe Aſſemblys, but to the intereſt ten to one of every particular man in either of theſe Aſſemblys: nor are or have the reaſons bin leſs obvious, or leſs ventilated in Parlament, why Monarchy as to this Nation is impoſſible in it ſelf.

Val. Will you ſay the like for Liberty of Conſcience?

Pub. Yes; becauſe without Liberty of Conſcience, Civil Liberty cannot be perfect; and without Civil Liberty, Liberty of Conſcience cannot be perfect.

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Val. Theſe things are true, but they never will ſee them, never, PUBLICOLA: you your ſelf ſay, that the People cannot ſee, but they can feel.

Pub. I meant that of the diffuſive Body of the People, not of the People under good Orders; in which caſe they are the ſharpeſt ſighted of any kind of government whatſoever: and therfore it is not modeſt that you, or I, or any particular Man or Party, blinded with ſelf-conceit, ſhould pretend to ſee with ſuch a Conſtitution; or ſhew me that Ey under the Sun, that ſees like that of *Venice*. But putting the caſe it were otherwiſe as to ſeeing, theſe things are plainly palpable or obvious to feeling.

Val. I have indeed obſerv'd, that in Commonwealths there are very few that ſee or underſtand them, and yet their affection to that way of Government is exceeding vigorous.

Pub. Whence can this otherwiſe be than from feeling? But one thing, VALERIUS, I take at your hands extreme heavily.

Val. What is that, PUBLICOLA?

Pub. That you with one little Speech of a ſingle Senator, ſhould run ſo regardleſly over theſe two Aſſemblys, without taking any notice at all of the neceſſary Courſe of them.

Val. What Courſe, PUBLICOLA?

Pub. Why you might eaſily have thought that among three hundred Senators there might have bin at leaſt one hundred as good Speakers as yours.

Val. Have I ſaid any thing to the contrary?

Pub. And do you or I what we can, ten to one of them will be longer winded than you have allow'd.

Val. For that matter let them pleaſe themſelves.

Pub. Ay, but then you ſhould not have made an end of your Debate in a minute.

Val. What is all this?

Pub. Why I ſay, They would have bin debating on that point at leaſt a fortnight.

Val. Well, and when that had been don, would never have agreed.

Pub. No.

Val. Did not you ſay that before?

Pub. Well, but I am now upon that point; that was to the matter in debate, this is to the manner of proceding: imagin the matter had bin ſuch upon which they could have agreed.

Val. What then?

Pub. That ſuch an agreement had bin a Decree of the Senat.

Val. Is a Decree of the Senat binding?

Pub. If it be upon a Law made, it is binding; if upon a Law to be made, it is to be propos'd to the People. Now every Propoſition to the People is to be promulgated, that is, printed and publiſh'd to the whole nation ſix weeks before the time that the Repreſentative is to aſſemble and give the Vote of the Commonwealth, or that teſt without which no ſuch Propoſition can be any Law.

Val. By this means it muſt follow, that the whole People both by Diſcourſe and Letters, debate ſix weeks together upon the matter.

Pub. You are right.

Val. How is it then that you ſay, The Repreſentative of the People muſt not debate? You allow to theſe leſs privilege than to the whole People.

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Pub. No leſs, nor in this point any more.

Val. Yet dos this amount to Debate in thoſe that are of the Repreſentative.

Pub. You ſay well, but not to any Debate at all in the Repreſentative.

Val. Why this Repreſentative is nothing elſe but an Inſtrument or Method, wherby to receive the Reſult of the whole Nation with order and expedition, and without any manner of tumult or confuſion.

Pub. And is that any thing the worſe?

Val. No; but I am glad you have told it me: for that thoſe of the Repreſentative would one way or other have Debate, I knew certainly.

Pub. In ſum, are you ſatisfy'd, that the Spirit of the Nation, or the People, however they may now under no Form at all, and in deteſtation of ſuch as having govern'd them by force, will let them ſee no way out of confuſion, deſire their old Government, as having never yet known any other; yet under ſuch a Form as is propos'd, can never go about to introduce Monarchy, without obvious diſcovery, that as to their Intereſt it is quite contrary, and as to it ſelf impoſſible?

Val. The ſatisfaction is pretty good.

Pub. Pretty good! give me but half ſo good, that the Spirit of the Army, not formerly obedient to Parlaments, and now dreading or deſpiſing them, muſt apprehend the reſtitution of Monarchy to be quite contrary to their intereſt.

Val. You ſurprize me: for if the Army will have no Parlament, and a King reſtor'd can now in *England* without an Army have no Government, they may imagin this their only way to Greatneſs and Continuance.

Pub. Had not the Oligarchy then, if they meant well, better to have us'd ſober expreſſions, and minded what thoſe true and real Intereſts are which in the foundation and preſervation of every kind of Government are paramount, than to have overcaſt them with the miſt of new affected Phraſes, and fallen on conjuring up Spirits?

Val. You have conjur'd up a Spirit that will keep me waking.

Pub. Set him on pulling down the Law and the Miniſtry; when that is don, let him blow up *Windſor* Caſtle, *Hampton* Court, and throw *Whitehall* into the *Thames*.

Val. It is the only way, for then there can be no King.

Pub. You may be ſure of that, ſeeing the Count of *Holland*'s Domain, and his Houſes are yet not only ſtanding, but diligently preſerved by the *Hollanders*.

Val. PUBLICOLA, have you any more to tell me?

Pub. VALERIUS, have you any more to aſk me?

Val. Not, except why you have not given the Parlament to underſtand thus much.

Pub. I have printed it over and over.

Val. They take no great notice of Books; you ſhould have laid it, as they ſay, in their diſh by ſom direct Addreſs, as a Petition, or ſo.

Pub. I did petition the Committee for Government.

Val. What anſwer did they make you?

Pub. None at all.

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Val. I would have gone further, and have preſented it to the Houſe.

Pub. Towards this alſo I went as far as I could.

Val. How far was that?

Pub. Why, I think my Petition may have bin worn out in the pockets of ſom two or three Members.

Val. Have you a Copy of it about you?

Pub. Let me ſee——here are many Papers; this ſame is it.

To the Parlament of the Commonwealth of England, &c.

The Humble Petition, &c.

Sheweth,

THAT *what neither is, nor ever was in Nature, can never be in Nature.*

THAT *without a King and Lords, no government either is, or ever was in Nature (but in mere force) other than by a Senat indu'd with Authority to debate and propoſe; and by a numerous Aſſembly of the People wholly and only inveſted with the right of Reſult in all matters of Law-giving, of making Peace and War, and of levying Men and Money.*

WHERFORE *your Petitioner (to diſburden his Conſcience in a matter of ſuch concern to his Country) moſt humbly and earneſtly prays and beſeeches this Parlament to take into ſpeedy and ſerious conſideration the irrefragable truth of the Premiſes, and what therupon muſt aſſuredly follow, that is, either the inſtitution of a Commonwealth in the whole People of* England *(without exception, or with exception for a time, of ſo few as may be) by way of a Senat, and a numerous aſſembly of the People, to the ends, and for the reſpective Functions aforeſaid; or the inevitable ruin of this Nation, which God of his mercy avert.*

And your Petitioner ſhall pray, &c.

Val. I would it had bin deliver'd.

Pub. Look you, if this had bin preſented to the Houſe, I intended to have added this other Paper, and to have printed them together.

The Petitioner to the Reader.

Reader,

I SAY *not that the Form contain'd in the Petition (if we had it, and no more) would be perfect; but that without thus much (which rightly introduc'd, introduces the reſt) there neither is, was, nor can be any ſuch thing as a Commonwealth, or Government without a King and Lords, in Nature.*

WHERE

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WHERE there is a coordinat Senat, there muſt be a King, or it falls inſtantly by the People; as the King failing, the Houſe of Peers fell by the Commons.

WHERE there is a Senat not elective by the People, there is a perpetual Feud between the Senat and the People, as in Rome.

TO introduce either of theſe Cauſes, is certainly and inevitably to introduce one of theſe Effects; and if ſo, then who are Cavaliers, I leave you to judg hereafter.

BUT to add farther reaſon to experience. All Civil Power among us (not only by declaration of Parlament, but by the nature of Property) is in and from the People.

*WHERE the Power is in the People, there the Senat can legitimatly be no more to the Popular Aſſembly, than my Counſil at Law is to me, that is (*auxilium, non imperium*) a neceſſary Aid, not a Competitor or Rival in Power.*

WHERE the Aids of the People becom their Rivals or Competitors in Power, there their Shepherds becom Wolves, their Peace Diſcord, and their Government Ruin. But to impoſe a ſelect or coordinat Senat upon the People, is to give them Rivals and Competitors in Power.

SOM perhaps (ſuch is the temper of the times) will ſay, That ſo much human Confidence as is expreſs'd, eſpecially in the Petition, is Atheiſtical. But how were it Atheiſtical, if I ſhould as confidently foretel, that a Boy muſt expire in Nonage, or becom a Man? I propheſy no otherwiſe; and this kind of Propheſy is alſo of God, by thoſe Rules of his Providence, which in the known Government of the World are infallible. In the right obſervation and application of theſe conſiſts all human Wiſdom; and we read that a poor man deliver'd a City by his Wiſdom, Eccleſ. 9. 14. *yet was this poor man forgotten. But if the Premiſes of this Petition fail, or one part of the Concluſion coms not to paſs accordingly, let me hit the other mark of this ambitious Addreſs, and remain a Fool upon Record in Parlament to all Poſterity.*

Val. Thou Boy! and yet I hope well of thy Reputation.

Pub. Would it were but as good now, as it will be when I can make no uſe of it.

Val. The Major of the Petition is in ſom other of your Writings; and I remember ſom Objections which have been made againſt it: As, that *à non eſſe nec fuiſſe, non datur argumentum ad non poſſe.*

Pub. Say that in *Engliſh.*

Val. What if I cannot? are not you bound to anſwer a thing, tho it cannot be ſaid in *Engliſh?*

Pub. No truly.

Val. Well, I will ſay it in *Engliſh* then. Tho there neither be any Houſe of Gold, nor ever were any Houſe of Gold, yet there may be a Houſe of Gold.

Pub. Right: but then, *à non eſſe nec fuiſſe in natura, datur argumentum ad non poſſe in natura.*

Val. I hope you can ſay this in *Engliſh* too.

Pub. That I can, now you have taught me. If there were no ſuch thing as Gold in nature, there never could be any Houſe of Gold.

Val.

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Val. Softly. The frame of a Government is as much in Art, and as little in Nature, as the frame of a Houſe.

Pub. Both ſoftly and ſurely. The Materials of a Government are as much in Nature, and as little in Art, as the Materials of a Houſe. Now as far as Art is neceſſarily diſpos'd by the nature of its Foundation or Materials, ſo far it is in Art as in Nature.

Val. What call you the Foundation, or the Materials of Government?

Pub. That which I have long ſince prov'd, and you granted, The Balance, the diſtribution of Property, and the Power thence naturally deriving; which as it is in one, in a few, or in all, dos neceſſarily diſpoſe of the form or frame of the Government accordingly.

Val. Be the Foundation or Materials of a Houſe what they will, the Frame or Superſtructures may be diverſly wrought up or ſhapen; and ſo may thoſe of a Commonwealth.

Pub. True: but let a Houſe be never ſo diverſly wrought up or ſhapen, it muſt conſiſt of a Roof and Walls.

Val. That's certain.

Pub. And ſo muſt a Commonwealth of a Senat and of a Popular Aſſembly, which is the ſum of the Minor in the Petition.

Val. The Mathematicians ſay, They will not be quarrelſom; but in their Sphere there are things altogether new in the World, as the preſent poſture of the Heavens is, and as was the Star in *Caſſiopæia*.

Pub. VALERIUS, if the Major of the Petition extends as far as is warranted by SOLOMON, I mean, that there is nothing new under the Sun, what new things there may be, or have bin above the Sun will make little to the preſent purpoſe.

Val. It is true; but if you have no more to ſay, they will take this but for ſhifting.

Pub. Where there is Sea, as between *Sicily* and *Naples*, there was antiently Land; and where there is Land, as in *Holland*, there was antiently Sea.

Val. What then?

Pub. Why then the preſent poſture of the Earth is other than it has bin, yet is the Earth no new thing, but conſiſts of Land and Sea as it did always; ſo whatever the preſent poſture of the Heavens be, they conſiſt of Star and Firmament, as they did always.

Val. What will you ſay then to the Star in *Caſſiopæia*?

Pub. Why I ſay, if it conſiſted of the ſame matter with other Stars, it was no new thing in nature, but a new thing in *Caſſiopæia*; as were there a Commonwealth in *England*, it would be no new thing in Nature, but a new thing in *England*.

Val. The Star you will ſay in *Caſſiopæia*, to have bin a new thing in nature, muſt have bin no Star, becauſe a Star is not a new thing in nature.

Pub. Very good.

Val. You run upon the matter, but the newneſs in the Star was in the manner of the generation.

Pub. At *Putzuoli* near *Naples*, I have ſeen a Mountain that roſe up from under water in one night, and pour'd a good part of the Lake antiently call'd *Lucrin* into the Sea.

Val. What will you infer from hence?

Pub. Why that the new and extraordinary generation of a Star, or of a Mountain, no more cauſes a Star, or a Mountain to be a new thing

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thing in nature, than the new and extraordinary generation of a Commonwealth cauſes a Commonwealth to be a new thing in nature. ARISTOTLE reports, that the Nobility of *Tarantum* being cut off in a Battle, that Commonwealth became popular. And if the Pouder Plot in *England* had deſtroy'd the King and the Nobility, it is poſſible that Popular Government might have riſen up in *England*, as the Mountain did at *Putzuoli*. Yet for all theſe, would there not have bin any new thing in nature.

Val. Som new thing (thro the blending of unſeen cauſes) there may ſeem to be in ſhuffling; but Nature will have her courſe, there is no other than the old game.

Pub. VALERIUS, let it rain or be fair weather, the Sun to the diſſolution of Nature ſhall ever riſe; but it is now ſet, and I apprehend the miſt.

Val. Dear PUBLICOLA, your Health is my own; I bid you goodnight.

Pub. Goodnight to you, VALERIUS.

Val. One word more, PUBLICOLA: Pray make me a preſent of thoſe ſame Papers, and with your leave and licence, I will make uſe of my Memory to commit the reſt of this Diſcourſe to writing, and print it.

Pub. They are at your diſpoſing.

Val. I will do it as has bin don, but with your name to it.

Pub. Whether way you like beſt, moſt noble VALERIUS.

Octob. 22.
1659.

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A

Syſtem of Politics

Delineated in ſhort and eaſy

APHORISMS.

Publiſh'd from the Author's own Manuſcript.

CHAP. I.

Of GOVERNMENT.

1. A PEOPLE is either under a ſtate of Civil Government, or in a ſtate of Civil War; or neither under a ſtate of Civil Government, nor in a ſtate of Civil War.

2. CIVIL Government is an Art whereby a People rule themſelves, or are rul'd by others.

3. THE Art of Civil Government in general is twofold, National, or Provincial.

4. NATIONAL Government is that by which a Nation is govern'd independently, or within it ſelf.

5. PROVINCIAL Government is that by which a Province is govern'd dependently, or by ſom foren Prince or State.

6. A PEOPLE is neither govern'd by themſelves, nor by others, but by reaſon of ſom external Principle therto forcing them.

7. FORCE is of two kinds, Natural and Unnatural.

8. NATURAL Force conſiſts in the vigor of Principles, and their natural neceſſary Operations.

9. UNNATURAL Force is an external or adventitious oppoſition to the vigor of Principles, and their neceſſary working, which, from a violation of Nature, is call'd Violence.

10. NATIONAL Government is an effect of natural Force, or Vigor.

11. PROVINCIAL Government is an effect of unnatural Force, or Violence.

12. THE natural Force which works or produces National Government (of which only I ſhall ſpeak hereafter) conſiſts in Riches.

13. THE Man that cannot live upon his own, muſt be a Servant; but he that can live upon his own, may be a Freeman.

14. WHERE a People cannot live upon their own, the Government is either Monarchy, or Ariſtocracy: where a People can live upon

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upon their own, the Government may be Democracy.

15. A MAN that could live upon his own, may yet, to ſpare his own, and live upon another, be a Servant: but a People that can live upon their own, cannot ſpare their own, and live upon another; but (except they be no Servants, that is, except they com to a Democracy) they muſt waſte their own by maintaining their Maſter's, or by having others to live upon them.

16. WHERE a People that can live upon their own, imagin that they can be govern'd by others, and not liv'd upon by ſuch Governors, it is not the Genius of the People, it is the Miſtake of the People.

17. WHERE a People that can live upon their own, will not be govern'd by others leſt they be liv'd upon by others, it is not the Miſtake of the People, it is the Genius of the People.

18. OF Government there are three Principles; Matter, Privation, and Form.

CHAP. II.

Of the Matter of Government.

1. THAT which is the Matter of Government, is what we call an Eſtate, be it in Lands, Goods or Mony.

2. IF the Eſtate be more in Mony than in Land, the port or garb of the Owner gos more upon his Monys than his Lands; which with privat Men is ordinary, but with Nations (except ſuch only as live more upon their Trade than upon their Territory) is not to be found: for which cauſe overbalance of Riches in Mony or Goods, as to the ſequel of theſe Aphoriſms, is altogether omitted.

3. IF the Eſtate be more in Land than in Goods or Mony, the garb and port of the Owner (whether a Man or a Nation) gos more if not altogether upon his Land.

4. IF a Man has ſom Eſtate, he may have ſom Servants or a Family, and conſequently ſom Government, or ſomthing to govern: if he has no Eſtate, he can have no Government.

5. WHERE the eldeſt of many Brothers has all, or ſo much that the reſt for their livelihood ſtand in need of him, that Brother is as it were Prince in that Family.

6. WHERE of many Brothers the eldeſt has but an equal ſhare, or not ſo inequal as to make the reſt to ſtand in need of him for their livelihood, that Family is as it were a Commonwealth.

7. DISTRIBUTION of ſhares in Land, as to the three grand Intereſts, the King, the Nobility, and the People, muſt be equal or inequal.

8. EQUAL diſtribution of Land, as if one man or a few men have one half of the Territory, and the People have the other half, cauſes privation of Government, and a ſtate of Civil War: for the Lord or Lords on the one ſide being able to aſſert their pretenſion or right to rule, and the People on the other their pretenſion or right to Liberty, that Nation can never com under any form of Government till that Queſtion be decided; and, Property being not by any Law to be violated or mov'd, any ſuch Queſtion cannot be decided but by the Sword only.

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9. INEQUAL diſtribution of ſhares in Land, as to the three grand Intereſts, or the whole Land in any one of theſe, is that which cauſes one of theſe three to be the predominant Intereſt.

10. ALL Government is Intereſt, and the predominant Intereſt gives the Matter or Foundation of the Government.

11. IF one man has the whole, or two parts in three of the whole Land or Territory, the Intereſt of one man is the predominant Intereſt, and cauſes abſolute Monarchy.

12. IF a few men have the whole, or two parts in three of the whole Land or Territory, the Intereſt of the few or of the Nobility is the predominant Intereſt; and, were there any ſuch thing in nature, would cauſe a pure Ariſtocracy.

13. IT being ſo that pure Ariſtocracy, or the Nobility having the whole, or two parts in three of the whole Land or Territory, without a Moderator or Prince to balance them, is a ſtate of War, in which every one, as he grows eminent or potent, aſpires to Monarchy; and that not any Nobility can have Peace, or can reign without having ſuch a Moderator or Prince, as on the one ſide they may balance or hold in from being abſolute, and on the other ſide may balance or hold them and their Factions from flying out into Arms: it follows, that if a few men have the whole, or two parts in three of the whole Land or Territory, the Intereſt of the Nobility being the predominant Intereſt, muſt of neceſſity produce regulated Monarchy.

14. IF the Many, or the People, have the whole, or two parts in three of the whole Land or Territory, the Intereſt of the Many or of the People is the predominant Intereſt, and cauſes Democracy.

15. A PEOPLE neither under abſolute or under regulated Monarchy, nor yet under Democracy, are under a Privation of Government.

CHAP. III.

Of the Privation of Government.

1. WHERE a People are not in a ſtate of Civil Government, but in a ſtate of Civil War; or where a People are neither under a ſtate of Civil Government, nor under a ſtate of Civil War, there the People are under Privation of Government.

2. WHERE one Man, not having the whole, or two parts in three of the whole Land or Territory, yet aſſumes to himſelf the whole Power; there the People are under Privation of Government, and this Privation is call'd *Tyranny*.

3. WHERE a few Men, not having the whole, or about two parts in three of the whole Land or Territory, yet aſſume to themſelves the whole Power; there the People are under Privation of Government, and this Privation is call'd *Oligarchy*.

4. WHERE the Many, or the People, not having the whole, or two parts in three of the whole Land or Territory, yet aſſume to themſelves the whole Power; there the People are under Privation of Government, and this Privation is call'd *Anarchy*.

5. WHERE the Tyranny, the Oligarchy, or the Anarchy, not having in the Land or Territory ſuch a full ſhare as may amount to the

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the truth of Government, have nevertheleſs ſuch a ſhare in it as may maintain an Army; there the People are under Privation of Government, and this Privation is a ſtate of Civil War. Chap. IV.

6. WHERE the Tyranny, the Oligarchy, or the Anarchy, have not any ſuch ſhare in the Land or Territory as may maintain an Army, there the People are in privation of Government; which Privation is neither a ſtate of Civil Government, nor a ſtate of Civil War.

7. WHERE the People are neither in a ſtate of Civil Government, nor in a ſtate of Civil War, there the Tyranny, the Oligarchy, or the Anarchy, cannot ſtand by any force of Nature, becauſe it is void of any natural Foundation; nor by any force of Arms, becauſe it is not able to maintain an Army; and ſo muſt fall away of it ſelf thro the want of a Foundation, or be blown up by ſom tumult: and in this kind of Privation the Matter or Foundation of a good orderly Government is ready and in being, and there wants nothing to the perfection of the ſame, but proper Superſtructures or Form.

CHAP. IV.

Of the Form of Government.

1. THAT which gives the being, the action, and the denomination to a Creature or Thing, is the Form of that Creature or Thing,

2. THERE is in Form ſomthing that is not Elementary but Divine.

3. THE contemplation of Form is aſtoniſhing to Man, and has a kind of trouble or impulſe accompanying it, that exalts his Soul to God.

4. AS the Form of a Man is the Image of God, ſo the Form of a Government is the Image of Man.

5. MAN is both a ſenſual and a philoſophical Creature.

6. SENSUALITY in a Man is when he is led only as are the Beaſts, that is, no otherwiſe than by Appetit.

7. PHILOSOPHY is the knowlege of Divine and Human Things.

8. TO preſerve and defend himſelf againſt Violence, is natural to Man as he is a ſenſual Creature.

9. TO have an impulſe, or to be rais'd upon contemplation of natural things to the Adoration or Worſhip of God, is natural to Man as he is a Philoſophical Creature.

10. FORMATION of Government is the creation of a Political Creature after the Image of a Philoſophical Creature; or it is an infuſion of the Soul or Facultys of a Man into the body of a Multitude.

11. THE more the Soul or Facultys of a Man (in the manner of their being infus'd into the body of a Multitude) are refin'd or made incapable of Paſſion, the more perfect is the Form of Government.

12. NOT the refin'd Spirit of a Man, or of ſom Men, is a good Form of Government; but a good Form of Government is the refin'd Spirit of a Nation.

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Chap. IV.

13. THE Spirit of a Nation (whether refin'd or not refin'd) can neither be wholly Saint nor Atheiſt: Not Saint becauſe the far greater part of the People is never able in matters of Religion to be their own Leaders; nor Atheiſts, becauſe Religion is every whit as indelible a Character in man's Nature as Reaſon.

14. LANGUAGE is not a more natural intercourſe between the Soul of one man and another, than Religion is between God and the Soul of a man.

15. AS not this Language, nor that Language, but ſom Language; ſo not this Religion, nor that Religion, yet ſom Religion is natural to every Nation.

16. THE Soul of Government, as the true and perfect Image of the Soul of Man, is every whit as neceſſarily religious as rational.

17. THE Body of a Government, as conſiſting of the ſenſual part of Man, is every whit as preſervative and defenſive of it ſelf as ſenſual Creatures are of themſelves.

18. THE Body of a Man, not actuated or led by the Soul, is a dead thing out of pain and miſery; but the Body of a People, not actuated or led by the Soul of Government, is a living thing in pain and miſery.

19. THE Body of a People, not led by the reaſon of the Government, is not a People, but a Herd: not led by the Religion of the Government, is at an inquiet and an uncomfortable loſs in it ſelf; not diſciplin'd by the Conduct of the Government, is not an Army for defence of it ſelf, but a Rout; not directed by the Laws of the Government, has not any rule of right; and without recourſe to the Juſtice or Judicatorys of the Government, has no remedy of wrongs.

20. IN contemplation of, and in conformity to the Soul of man, as alſo for ſupply of thoſe his Neceſſitys which are not otherwiſe ſupply'd, or to be ſupply'd by Nature, Form of Government conſiſts neceſſarily of theſe five parts: The Civil, which is the Reaſon of the People; the Religious, which is the Comfort of the People; the Military, which is the Captain of the People; the Laws, which are the Rights of the People; and the Judicatorys, which are the Avengers of their Wrongs.

21. THE parts of Form in Government are as the Offices in a Houſe; and the Orders of a Form of Government are as the Orders of a Houſe or Family.

22. GOOD Orders make evil men good, and bad Orders make good men evil.

23. OLIGARCHISTS (to the end they may keep all others out of the Government) pretending themſelves to be Saints, do alſo pretend that they in whom Luſt reigns, are not fit for Reign or for Government. But *Libido dominandi*, the Luſt of Government, is the greateſt Luſt, which alſo reigns moſt in thoſe that have leaſt right, as in Oligarchiſts: for many a King and many a People have and had unqueſtionable Right, but an Oligarchiſt never; whence from their own argument, the Luſt of Government reigning moſt in Oligarchiſts, it undeniably follows that Oligarchiſts of all men are leaſt fit for Government.

24. AS in Houſes not differing in the kinds of their Offices, the Orders of the Familys differ much; ſo the difference of Form in different Governments conſiſts not in the kinds or number of the Parts, which

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which in every one is alike, but in the different ways of ordering thoſe parts. And as the different Orders of a Houſe ariſe for the moſt part from the quantity and quality of the Eſtate by which it is defray'd or maintain'd, according as it is in one or more of the Family as Proprietors, ſo it is alſo in a Government. Chap. V

25. THE Orders of the Form, which are the manners of the mind of the Government, follow the temperament of the Body, or the diſtribution of the Lands or Territorys, and the Intereſts thence ariſing.

26. THE Intereſt of Arbitary Monarchy is the abſoluteneſs of the Monarch; the Intereſt of Regulated Monarchy is the greatneſs of the Nobility; the Intereſt of Democracy is the felicity of the People: for in Democracy the Government is for the uſe of the Poople, and in Monarchy the People are for the uſe of the Government, that is, of one Lord or more.

27. THE uſe of a Horſe without his Provender, or of the People without ſom regard had to the neceſſitys of Human Nature, can be none at all: nor are thoſe neceſſitys of Nature in any Form whatſoever to be otherwiſe provided for than by thoſe five parts already mention'd; for which cauſe every Government conſiſts of five parts: the Civil, the Religious, the Military, the Laws, and the Judicatorys.

CHAP. V.

Of Form in the Civil parts.

1. THOSE Naturaliſts that have beſt written of Generation, do obſerve that all things procede from an Eg, and that there is in every Eg a *Punctum Saliens*, or a part firſt mov'd, as the purple Speck obſerv'd in thoſe of Hens; from the working wherof the other Organs or fit Members are delineated, diſtinguiſh'd, and wrought into one Organical Body.

2. A NATION without Government, or fallen into privation of Form, is like an Eg unhatch'd; and the *Punctum Saliens*, or firſt mover from the corruption of the Former to the generation of the ſucceding Form, is either a ſole Legiſlator or a Council.

3. A SOLE Legiſlator, proceding according to Art, or Knowlege, produces Government in the whole piece at once and in perfection. But a Council (proceding not according to Art, or what in a new caſe is neceſſary or fit for them, but according to that which they call the Genius of the People ſtill hankering after the things they have bin us'd to, or their old Cuſtoms, how plain ſoever it be made in reaſon that they can no longer fit them) make patching work, and are Ages about that which is very ſeldom or never brought by them to any perfection; but commonly coms by the way to ruin, leaving the nobleſt Attempts under Reproach, and the Authors of them expos'd to the greateſt miſerys while they live, if not their Memorys when they are dead and gone to the greateſt infamy.

4. IF the *Punctum Saliens*, or firſt mover in generation of the Form be a ſole Legiſlator, his proceding is not only according to Nature, but according to Art alſo, and begins with the Delineation of diſtinct Orders or Members.

5. DE-

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5. DELINEATION of diſtinct Organs or Members (as to the Form of Government) is a diviſion of the Territory into fit Precincts once ſtated for all, and a formation of them to their proper Offices and Functions, according to the nature or truth of the Form to be introduc'd.

6. PRECINCTS in abſolute Monarchy are commonly call'd *Provinces*; and as to the delineation or ſtating of them, they may be equal or inequal. Precincts in regulated Monarchy, where the Lords or Nobility as to their Titles or Eſtates ought not to be equal, but to differ as one Star differs from another in Glory, are commonly call'd *Countys*, and ought to be inequal. Precincts in Democracy, where without equality in the Electors there will hardly be any equality in the Elected; or where without equality in the Precincts, it is almoſt, if not altogether impoſſible there ſhould be equality in the Commonwealth, are properly call'd *Tribes*, and ought by all means to be equal.

7. EQUALITY or Parity has bin repreſented an odious thing, and made to imply the levelling of mens Eſtates; but if a Nobility, how inequal ſoever in their Eſtates or Titles, yet to com to the truth of Ariſtocracy, muſt as to their Votes or participation in the Government be *pares regni*, that is to ſay Peers, or in parity among themſelves: as well likewiſe the People, to attain to the truth of Democracy, may be Peers, or in parity among themſelves, and yet not as to their Eſtates be oblig'd to levelling.

8. INDUSTRY of all things is the moſt accumulative, and Accumulation of all things hates levelling: The Revenue therfore of the People being the Revenue of Induſtry, tho ſom Nobility (as that of *Iſrael*, or that of *Lacedemon*) may be found to have bin Levellers, yet not any People in the World.

9. PRECINCTS being ſtated, are in the next place to be form'd to their proper Offices and Functions, according to the truth of the Form to be introduc'd; which in general is to form them as it were into diſtinct Governments, and to indow them with diſtinct Governors.

10. GOVERNMENTS or Governors are either Supreme or Subordinat. For abſolute Monarchy to admit in its Precincts any Government or Governors that are not ſubordinat but ſupreme, were a plain contradiction. But that regulated Monarchy, and that Democracy may do it, is ſeen in the Princes of *Germany*, and in the Cantons of *Switzerland:* Nevertheleſs theſe being Governments that have deriv'd this not from the Wiſdom of any Legiſlator, but from accident, and an ill diſpoſition of the matter, wherby they are not only incapable of Greatneſs, but even of any perfect State of Health, they com not under the conſideration of Art, from which they derive not: but of Chance, to which we leave them. And, to ſpeak according to Art, we pronounce that, as well in Democracy and in regulated as in abſolute Monarchy, Governors and Governments in the ſeveral diviſions ought not to be Soveraintys, but ſubordinat to one common Soverain.

11. SUBORDINAT Governors are at will, or for life, or upon Rotation or Changes.

12. IN abſolute Monarchy the Governors of Provinces muſt either be at will, or upon Rotation, or elſe the Monarch cannot be abſolute. In regulated Monarchy the Governors of the Countys may be for life or hereditary, as in Counts or Lords; or for ſom certain term

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term and upon rotation, as in Viſcounts or Sherifs. In Democracy the People are Servants to their Governors for life, and ſo cannot be free; or the Governors of the Tribes muſt be upon rotation and for ſom certain term, excluding the Party that have born the Magiſtracy for that term from being elected into the like again, till an equal Interval or Vacation be expir'd

13. THE term in which a man may adminiſter Government to the good of it, and not attemt upon it to the harm of it, is the fitteſt term of bearing Magiſtracy; and three years in a Magiſtracy deſcrib'd by the Law under which a man has liv'd, and which he has known by the carriage or practice of it in others, is a term in which he cannot attemt upon his Government for the hurt of it, but may adminiſter it for the good of it, tho ſuch a Magiſtracy or Government ſhould conſiſt of divers Functions.

14. GOVERNORS in ſubordinat Precincts have commonly three Functions; the one Civil, the other Judicial, and the third Military.

15. IN abſolute Monarchy the Government of a Province conſiſts of one *Beglerbeg*, or Governor for three years, with his Council or *Divan* for Civil matters, and his Guard of *Janizarys* and *Spahys*, that is, of Horſe and Foot, with power to levy and command the *Timariots* or Military Farmers.

16. In regulated Monarchy the Government of a County conſiſts of one Count or Lord for Life, or of one Viſcount or Sherif for ſom limited term, with power in certain Civil and Judicial matters, and to levy and command the *Poſſe Comitatus*.

17. IN Democracy the Government of a Tribe conſiſts of one Council or Court, in one third part elected annually by the People of that Tribe for the Civil, for the Judicial, and for the Military Government of the ſame; as alſo to preſide at the Election of Deputys in that Tribe towards the annual ſupply in one third part of the common and ſoverain Aſſemblys of the whole Commonwealth, that is to ſay, of the Senat and of the Popular Aſſembly; in which two theſe Tribes, thus delineated and diſtinguiſh'd into proper Organs or fit Members to be actuated by thoſe ſoverain Aſſemblys, are wrought up again by connexion into one intire and organical Body.

18. A PARLAMENT of Phyſicians would never have found out the Circulation of the Blood, nor could a Parlament of Poets have written VIRGIL'S *Æneis*; of this kind therfore in the formation of Government is the proceding of a ſole Legiſlator. But if the People without a Legiſlator ſet upon ſuch work by a certain Inſtinct that is in them, they never go further than to chuſe a Council; not conſidering that the formation of Government is as well a work of Invention as of Judgment; and that a Council, tho in matters laid before them they may excel in Judgment, yet Invention is as contrary to the nature of a Council as it is to Muſicians in conſort, who can play and judg of any Ayr that is laid before them, tho to invent a part of Muſic they can never well agree.

19. IN Councils there are three ways of Reſult, and every way of Reſult makes a different Form. A Council with the Reſult in the Prince makes abſolute Monarchy. A Council with the Reſult in the Nobility, or where without the Nobility there can be no Reſult, makes Ariſtocracy, or regulated Monarchy. A Council with the Reſult

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ſult in the People makes Democracy. There is a fourth kind of Reſult or Council which amounts not to any Form, but to Privation of Government; that is, a Council not conſiſting of a Nobility, and yet with the Reſult in itſelf, which is rank Oligarchy: ſo the People, ſeldom or never going any further than to elect a Council without any Reſult but itſelf, inſtead of Democracy introduce Oligarchy.

20. THE ultimat Reſult in every Form is the Soverain Power. If the ultimat Reſult be wholly and only in the Monarch, that Monarchy is abſolute. If the ultimat Reſult be not wholly and only in the Monarch, that Monarchy is regulated. If the Reſult be wholly and only in the People, the People are in Liberty, or the Form of the Government is Democracy.

21. IT may happen that a Monarchy founded upon Ariſtocracy, and ſo as to the Foundation regulated, may yet com by certain Expedients or Intruſions (as at this day in *France* and in *Spain*) as to the Adminiſtration of it to appear or be call'd abſolute; of which I ſhall treat more at large when I com to ſpeak of *Reaſon of State*, or of Adminiſtration.

22. THE ultimat Reſult in the whole body of the People, if the Commonwealth be of any conſiderable extent, is altogether impracticable; and if the ultimat Reſult be but in a part of the People, the reſt are not in liberty, nor is the Government Democracy.

23. AS a whole Army cannot charge at one and the ſame time, yet is ſo order'd that every one in his turn coms up to give the Charge of the whole Army; ſo tho the whole People cannot give the Reſult at one and the ſame time, yet may they be ſo order'd that every one in his turn may com up to give the Reſult of the whole People.

24. A POPULAR Aſſembly, rightly order'd brings up every one in his turn to give the Reſult of the whole People.

25. IF the popular Aſſembly conſiſts of one thouſand or more, annually changeable in one third part by new Elections made in the Tribes by the People, it is rightly order'd; that is to ſay, ſo conſtituted that ſuch an Aſſembly can have no other Intereſt wherupon to give the Reſult, than that only which is the Intereſt of the whole People.

26. BUT in vain is Reſult where there is no Matter to reſolve upon; and where maturity of Debate has not preceded, there is not yet Matter to reſolve upon.

27. DEBATE to be mature cannot be manag'd by a Multitude; and Reſult to be popular cannot be given by a Few.

28. IF a Council capable of Debate has alſo the Reſult, it is Oligarchy. If an Aſſembly capable of the Reſult has Debate alſo, it is Anarchy. Debate in a Council not capable of Reſult, and Reſult in an Aſſembly not capable of Debate, is Democracy.

29. IT is not more natural to a People in their own affairs to be their own chuſers, than upon that occaſion to be provided of their Learned Counſil; in ſo much that the ſaying of PACUVIUS, That *either a People is govern'd by a King or counſil'd by a Senat*, is univerſally approv'd.

30. WHERE the Senat has no diſtinct Intereſt, there the People are counſillable, and venture not upon Debate: where the Senat has any diſtinct Intereſt, there the People are not counſillable, but fall into Debate among themſelves, and ſo into Confuſion.

31. OF

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31. OF Senats there are three kinds: Firſt, A Senat eligible out of the Nobility only, as that of *Rome*, which will not be contented to be merely the Council of the People, but will be contending that they are Lords of the People, never quitting their pretenſions till they have ruin'd the Commonwealth. Secondly, A Senat elected for life, as that of *Sparta*, which will be a ſpecies of Nobility, and will have a kind of *Spartan* King, and a Senat upon rotation; which being rightly conſtituted is quiet, and never pretends more than to be the learned Council of the People. Chap. 6.

32. THIRDLY, Three hundred Senators, for example, changeable in one third part of them annually by new Elections in the Tribes, and conſtituted a Senat to debate upon all Civil matters, to promulgat to the whole Nation what they have debated, this Promulgation to be made ſom ſuch convenient time before the Matters by them debated are to be propos'd, that they may be commonly known and well underſtood, and then to propoſe the ſame to the Reſult of the Popular Aſſembly, which only is to be the Teſt of every public Act, is a Senat rightly order'd.

FORM of Government (as to the Civil part) being thus completed, is ſum'd up in the three following Aphoriſms.

33. ABSOLUTE Monarchy (for the Civil part of the Form) conſiſts of diſtinct Provinces under diſtinct Governors, equally ſubordinat to a *Grand Signor* or ſole Lord, with his Council or Divan debating and propoſing, and the Reſult wholly and only in himſelf.

34. REGULATED Monarchy (for the Civil part of the Form) conſiſts of diſtinct Principalitys or Countys under diſtinct Lords or Governors, which if rightly conſtituted are equally ſubordinat to the King and his Peerage, or to the King and his Eſtates aſſembl'd in Parlament, without whoſe Conſent the King can do nothing.

35. DEMOCRACY (for the Civil part of the Form) if rightly conſtituted, conſiſts of diſtinct Tribes under the Government of diſtinct Magiſtrats, Courts, or Councils, regularly changeable in one third part upon annual Elections, and ſubordinat to a Senat conſiſting of not above three hundred Senators, and to a popular Aſſembly conſiſting of not under a thouſand Deputys; each of theſe alſo regularly changeable in one third part upon annual Elections in the Tribes, the Senat having the Debate, and the Popular Aſſembly the Reſult of the whole Commonwealth.

CHAP. VI.

Of Form in the Religious part.

1. FORM for the Religious part either admits of Liberty of Conſcience in the whole or in part; or dos not admit of Liberty of Conſcience at all.

2. LIBERTY of Conſcience intire, or in the whole, is where a man according to the dictats of his own Conſcience may have the

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Chap. 6. free exerciſe of his Religion, without impediment to his Preferment or Imployment in the State.

3. LIBERTY of Conſcience in part is, where a man according to the dictats of his Conſcience may have the free exerciſe of his Religion; but if it be not the national Religion, he is therby incapable of Preferment or Imployment in the State.

4. WHERE the Form admits not of the free exerciſe of any other Religion except that only which is National, there is no Liberty of Conſcience.

5. MEN who have the means to aſſert Liberty of Conſcience, have the means to aſſert Civil Liberty; and will do it if they are oppreſt in their Conſciences.

6. MEN participating in Property, or in Imployment Civil or Military, have the means to aſſert Liberty of Conſcience.

7. ABSOLUTE Monarchy, being ſole Proprietor, may admit of Liberty of Conſcience to ſuch as are not capable of Civil or Military Imployment, and yet not admit of the means to aſſert Civil Liberty; as the *Greec* Chriſtians under the *Turk*, who, tho they injoy Liberty of Conſcience, cannot aſſert Civil Liberty, becauſe they have neither Property nor any Civil or Military Imployments.

8. REGULATED Monarchy, being not ſole Proprietor, may not admit naturally of Liberty of Conſcience, leſt it admits of the means to aſſert Civil Liberty, as was lately ſeen in *England* by pulling down the Biſhops, who, for the moſt part, are one half of the Foundation of regulated Monarchy.

9. DEMOCRACY being nothing but intire Liberty; and Liberty of Conſcience without Civil Liberty, or Civil Liberty without Liberty of Conſcience being but Liberty by halves, muſt admit of Liberty of Conſcience both as to the perfection of its preſent being, and as to its future ſecurity: As to the perfection of its preſent being, for the Reaſons already ſhewn, or that ſhe do not injoy Liberty by halves; and for future ſecurity, becauſe this excludes abſolute Monarchy, which cannot ſtand with Liberty of Conſcience in the whole and regulated Monarchy, which cannot ſtand ſafely with it in any part.

10. IF it be ſaid that in *France* there is Liberty of Conſcience in part, it is alſo plain that while the Hierarchy is ſtanding this Liberty is falling, and that if ever it coms to pull down the Hierarchy it pulls down that Monarchy alſo: wherfore the Monarchy or Hierarchy will be beforehand with it, if they ſee their true Intereſt.

11. THE ultimat Reſult in Monarchy being that of one Man, or of a few Men, the National Religion in Monarchy may happen not to be the Religion of the major part of the People; but the Reſult in Democracy being in the major part of the People, it cannot happen but that the National Religion muſt be that of the major part of the People.

12. THE major part of the People, being in matters of Religion inabled to be their own Leaders, will in ſuch caſes therfore have a public leading; or, being debar'd of their Will in that particular, are debar'd of their Liberty of Conſcience.

13. WHERE the major part of the People is debar'd of their Liberty by the minor, there is neither Liberty of Conſcience nor Democracy, but Spiritual or Civil Oligarchy.

14. WHERE

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14. WHERE the Major part is not debar'd of their Liberty of Conſcience by the Minor, there is a National Religion. Chap. 6.

15. NATIONAL Religion is either coercive, or not coercive.

16. RELIGION is not naturally ſubſervient to any corrupt or worldly Intereſt, for which cauſe to bring it into ſubjection to Intereſt it muſt be coercive.

17. WHERE Religion is coercive, or in ſubjection to Intereſt, there it is not, or will not long continue to be the true Religion.

18. WHERE Religion is not coercive, nor under ſubjection to any Intereſt, there it either is (or has no obſtruction why it may not com to be) the true Religion.

19. ABSOLUTE Monarchy pretends to Infallibility in matters of Religion, imploys not any that is not of its own Faith, and puniſhes its Apoſtats by death without mercy.

20. REGULATED Monarchy coms not much ſhort of the ſame pretence; but conſiſting of Proprietors, and ſuch as if they diſſent have oftentimes the means to defend themſelves, it dos not therfore always attain to the exerciſe of the like power.

21. DEMOCRACY pretends not to Infallibility, but is in matters of Religion no more than a Seeker, not taking away from its People their Liberty of Conſcience, but educating them, or ſo many of them as ſhall like of it, in ſuch a manner or knowledge in Divine things as may render them beſt able to make uſe of their Liberty of Conſcience, which it performs by the National Religion.

22. NATIONAL Religion, to be ſuch, muſt have a National Miniſtry or Clergy.

23. THE Clergy is either landed or a ſtipendiated Clergy.

24. A LANDED Clergy attaining to one third of the Territory, is Ariſtocracy; and therfore equally incompatible with abſolute Monarchy, and with Democracy: but to regulated Monarchy for the moſt part is ſuch a Supporter, as in that caſe it may be truly enough ſaid, that NO BISHOP, NO KING.

25. THE Soverainty of the Prince in abſolute Monarchy, and of the People in Democracy, admitting not of any Counterpoiſe, in each of theſe the Clergy ought not to be landed; the Laborer nevertheleſs being worthy of his hire, they ought to be ſtipendiated.

26. A CLERGY well landed is to regulated Monarchy a very great Glory; and a Clergy not well ſtipendiated is to abſolute Monarchy or to Democracy as great an Infamy.

27. A CLERGY, whether landed or ſtipendiated, is either Hierarchical or Popular.

28. A HIERARCHICAL Clergy is a Monarchical Ordination; a Popular Clergy receives Ordination from Election by the People.

FORM of Government (as to the Religious part) being thus completed, is ſum'd up in the three following Aphoriſms.

29. ABSOLUTE Monarchy (for the Religious part of the Form) conſiſts of a Hierarchical Clergy, and of an *Alcoran* (or ſom Book receiv'd in the nature of Scripture) interpretable by the Prince only and his Clergy, willingly permitting to them that are not capable of Imployments a Liberty of Conſcience.

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Chap. 7.

30. REGULATED Monarchy (for the Religious part of the Form) conſiſts of an Ariſtocratical Hierarchy, of the Liturgy, and of the Holy Scriptures (or ſom ſuch Book receiv'd for a Rule of Faith) interpretable only by the Clergy, not admitting Liberty of Conſcience, except thro mere neceſſity.

31. DEMOCRACY (for the Religious part of the Form) conſiſts of a Popular Clergy, of the Scriptures (or ſom other Book acknowleg'd divine) with a Directory for the National Religion, and a Council for the equal maintenance both of the National Religion, and of the Liberty of Conſcience.

CHAP. VII.

Of Form in the Military part.

1. A MAN may periſh by the Sword; yet no man draws the Sword to periſh, but to live by it.

2. SO many ways as there are of living by the Sword, ſo many ways there are of a Militia.

3. IF a Prince be Lord of the whole, or of two parts in three of the whole Territory, and divides it into Military Farms at will and without rent, upon condition of Service at their own charge in Arms whenever he commands them, it is the Sword of an abſolute Monarchy.

4. IF the Nobility, being Lords of the whole or of two parts in three of the whole Territory, let their Lands by good pennyworths to Tenants at will, or by their Leaſes bound at their Commands by whom they live to ſerve in Arms upon pay, it is the Sword of a regulated Monarchy.

5. IN Countrys that have no Infantry, or Militia of free Commoners, as in *France* and *Poland*, the Nobility themſelves are a vaſt Body of Horſe, and the Sword of that Monarchy.

6. IF a People, where there neither is Lord nor Lords of the whole, nor of two parts in three of the whole Territory, for the common defence of their Liberty and of their Livelihood, take their turns upon the Guard or in Arms, it is the Sword of Democracy.

7. THERE is a fourth kind of Militia, or of men living more immediatly by the Sword, which are Soldiers of Fortune, or a mercenary Army.

8. ABSOLUTE Monarchy muſt be very well provided with Court Guards, or a mercenary Army; otherwiſe its Military Farmers having no bar from becoming Proprietors, the Monarchy it ſelf has no bar from changing into Democracy.

FORM of Government (as to the Military part) being thus completed, is ſum'd up in the three following Aphoriſms.

9. IN a regulated Monarchy where there is an Infantry, there needs not any Mercenary Army; and there the People live tolerably well.

10. IN a regulated Monarchy where there is no Infantry, but the Nobility themſelves are a vaſt Body of Horſe, there muſt alſo be

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a mercenary Infantry, and there the People are Peaſants or Slaves. Chap. 8.

11. THERE is no ſuch thing in nature as any Monarchy (whether abſolute or regulated) ſubſiſting merely by a mercenary Army, and without an Infantry or Cavalry planted upon the Lands of the Monarch, or of his whole Nobility.

CHAP. VIII.

Of Form in the Legal part.

1. IF Juſtice be not the Intereſt of a Government, the Intereſt of that Government will be its Juſtice.

2. LET Equity or Juſtice be what it will, yet if a man be to judg or reſolve in his own caſe, he reſolves upon his own Intereſt.

3. EVERY Government, being not obnoxious to any Superior, reſolves in her own caſe.

4. THE ultimat Reſult in every Government is the Law in that Government.

5. IN abſolute Monarchy, the ultimat Reſult is in the Monarch.

6. IN Ariſtocracy, or regulated Monarchy, the ultimat Reſult is in the Lords or Peers, or not without them.

7. IN Democracy the ultimat Reſult is in the People.

8. LAW in abſolute Monarchy holds ſuch a diſproportion to natural Equity, as the Intereſt of one Man to the Intereſt of all Mankind.

9. LAW in Ariſtocracy holds ſuch a diſproportion to natural Equity, as the Intereſt of a few Men to the Intereſt of all Mankind.

10. LAW in Democracy holds ſuch a diſproportion to natural Equity, as the Intereſt of a Nation to the Intereſt of all Mankind.

11. ONE Government has much nearer approaches to natural Equity than another; but in caſe natural Equity and Selfpreſervation com in competition, ſo natural is Selfpreſervation to every Creature, that in that caſe no one Government has any more regard to natural Equity than another.

12. A Man may devote himſelf to death or deſtruction to ſave a Nation, but no Nation will devote it ſelf to death or deſtruction to ſave Mankind.

13. *MACHIAVEL* is decry'd for ſaying, that *no conſideration is to be had of what is juſt or injuſt, of what is merciful or cruel, of what is honorable or ignominious, in caſe it be to ſave a State, or to preſerve Liberty*; which as to the manner of expreſſion is crudely ſpoken. But to imagin that a Nation will devote it ſelf to death or deſtruction any more upon Faith given or an Ingagement therto tending, than if there had bin no ſuch Ingagement made or Faith given, were not piety but folly.

14. WHERSOEVER the power of making Law is, there only is the power of interpreting the Law ſo made.

15. GOD who has given his Law to the Soul of that man who ſhall voluntarily receive it, is the only Interpreter of his Law to that Soul; ſuch at leaſt is the Judgment of Democracy. With abſolute Monarchy, and with Ariſtocracy, it is an innat Maxim, That *the People are to be deceiv'd in two things, their* RELIGION *and their* LAW;

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Chap. 9. or that the Church or themſelves are Interpreters of all Scripture, as the Prieſts were antiently of the *Sibyls* Books.

FORM of Government (as to the Legal part) being thus completed, is ſum'd up in the three following Aphoriſms.

16. ABSOLUTE Monarchy (for the Legal part of the Form) conſiſts of ſuch Laws as it pretends God has deliver'd or given the King and Prieſts power to interpret; or it conſiſts of ſuch Laws as the Monarch ſhall or has choſen.

17. ARISTOCRACY (for the Legal part of the Form) conſiſts of ſuch Laws as the Nobility ſhall chuſe or have choſen; or of ſuch as the People ſhall chuſe or have choſen, provided they be agreed to by their Lords, or by the King and their Lords.

18. DEMOCRACY (for the Legal part of the Form) conſiſts of ſuch Laws as the People, with the advice of their Council, or of the Senat, ſhall chuſe or have choſen.

CHAP. IX.

Of Form in the Judicial part.

1. MULTIPLICITY of Laws, being a multiplicity of Snares for the People, cauſes Corruption of Government.

2. PAUCITY of Laws requires arbitrary Power in Courts, or Judicatorys.

3. ARBITRARY Power (in reference to Laws) is of three kinds. (1) In making, altering, abrogating, or interpreting of Laws, which belong to the Soverain Power. (2) In applying Laws to Caſes which are never any one like another. (3) In reconciling the Laws among themſelves.

4. THERE is no difficulty at all in judging of any caſe whatſoever according to natural Equity.

5. ARBITRARY Power makes any man a competent Judg for his Knowledge; but leaving him to his own Intereſt, which oftentimes is contrary to Juſtice, makes him alſo an incompetent Judg, in regard that he may be partial.

6. PARTIALITY is the cauſe why Laws pretend to abhor Arbitrary Power; nevertheleſs, ſeeing that not one caſe is altogether like another, there muſt in every Judicatory be ſom arbitrary Power.

7. PAUCITY of Laws cauſes arbitrary Power in applying them; and Multiplicity of Laws cauſes arbitrary Power in reconciling and applying them too.

8. ARBITRARY Power where it can do no wrong, dos the greateſt right; becauſe no Law can ever be ſo fram'd, but that without arbitrary Power it may do wrong.

9. ARBITRARY Power, going upon the Intereſt of One or of a Few, makes not a juſt Judicatory.

10. ARBITRARY Power, going upon the Intereſt of the whole People, makes a juſt Judicatory,

11. ALL Judicatorys and Laws, which have bin made by Arbitrary Power, allow of the Interpretation of Arbitrary Power, and acknowlege an appeal from themſelves to it. 12. THAT

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12. THAT Law which leaves the leaſt arbitrary Power to the Judg or Judicatory, is the moſt perfect Law.

13. LAWS that are the feweſt, plaineſt, and briefeſt, leave the leaſt arbitrary Power to the Judg or Judicatory; and being a Light to the People, make the moſt incorrupt Government.

14. LAWS that are perplext, intricat, tedious, and voluminous, leave the greateſt arbitrary Power to the Judg or Judicatory; and raining ſnares on the People, make the moſt corrupt Government.

15. SEEING no Law can be ſo perfect as not to leave arbitrary Power to the Judicatory, that is the beſt Conſtitution of a Judicatory where arbitrary Power can do the leaſt hurt, and the worſt Conſtitution of a Judicatory is where arbitrary Power can do the moſt ill.

16. ARBITRARY Power in one Judg dos the moſt, in a few Judges dos leſs, and in a multitude of Judges dos the leaſt hurt.

17. THE ultimat Appeal from all inferior Judicatorys is to ſom ſoverain Judg or Judicatory.

18. THE ultimat Reſult in every Government (as in abſolute Monarchy, the Monarch; in Ariſtocracy, or Ariſtocratical Monarchy, the Peers; in Democracy, the Popular Aſſembly) is a ſoverain Judg or Judicatory that is arbitrary.

19. ARBITRARY Power in Judicatorys is not ſuch as makes no uſe of the Law, but ſuch by which there is a right uſe to be made of the Laws.

20. THAT Judicatory where the Judg or Judges are not obnoxious to Partiality or privat Intereſt, cannot make a wrong uſe of Power.

21. THAT Judicatory that cannot make a wrong uſe of Power, muſt make a right uſe of Law.

22. EVERY Judicatory conſiſts of a Judg or ſome Judges without a Jury, or of a Jury on the Bench without any other Judg or Judges, or of a Judg or Judges on the Bench with a Jury at the Bar.

FORM of Government (as to the Judicial part) being thus completed, is ſum'd up in the three following Aphoriſms.

23. ABSOLUTE Monarchy (for the Judicial part of the Form) admits not of any Jury, but is of ſom ſuch kind as a *Cadee* or Judg in a City, or as we ſay in a Hundred, with an Appeal to a *Cadaliſkar* or a Judg in a Province, from whom alſo there lys an Appeal to the *Muphti*, who is at the devotion of the *Grand Signior* or of the Monarch.

24. ARISTOCRACY or Ariſtocratical Monarchy (for the Judicial part of the Form) may admit of a Jury, ſo it be at the Bar only, and conſiſts of ſom ſuch kind as Delegats or ordinary Judges, with an Appeal to a Houſe of Peers; or ſom ſuch Court, as the Parlament at *Paris*, which was at the inſtitution in the Reign of HUGH CAPET, a Parlament of ſoverain Princes.

25. DEMOCRACY (for the Judicial part of the Form) is of ſom ſuch kind as a Jury on the Bench in every Tribe, conſiſting of thirty Perſons or more annually eligible in one third part by the People of that Tribe, with an Appeal from thence to a Judicatory reſiding in the Capital City of the like Conſtitution, annually eligible in one third part out of the Senat or the popular Aſſembly, or out of both; from which alſo there lys an Appeal to the People, that is to the Popular Aſſembly.

CHAP.

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CHAP. X.

Of the Adminiſtration of Government, or REASON OF STATE.

1. AS the Matter of a Ship or of a Houſe is one thing, the Form of a Ship or of a Houſe is another thing, and the Adminiſtration or Reaſon of a Ship or of the Houſe is a third thing; ſo the Matter of a Government or of a State is one thing, the Form of a Government or of a State is another, and the Adminiſtration of a Government (which is what's properly and truly call'd *Reaſon of State)* is a third thing.

2. THERE are thoſe who can play, and yet cannot pack the Cards, and there are who can pack the Cards, and yet cannot play.

3. ADMINISTRATION of Government, or Reaſon of State, to ſuch as propoſe to themſelves to play upon the ſquare, is one thing; and to ſuch as propoſe to themſelves to pack the Cards, is another.

4. *REASON of State* is that in a Kingdom or a Commonwealth, which in a Family is call'd THE MAIN CHANCE.

5. THE Maſter of a Family that either keeps himſelf up to his antient bounds, or increaſes his Stock, looks very well to the main Chance, at leaſt if his play be upon the ſquare, that is, upon his own Abilitys, or good Fortune, or the Laws; but if it were not upon the ſquare, yet an Eſtate however gotten, is not for that a leſs Eſtate in it ſelf, nor leſs deſcending by the Law to his Succeſſors.

6. IF a People thro their own Induſtry, or the prodigality of their Lords, com to acquire Liberty; if a few by their Induſtry, or thro the folly or ſlothfulneſs of the People, com to eat them out, and make themſelves Lords; if one Lord by his Power or his Virtue, or thro their Neceſſity, their Wiſdom, or their Folly, can overtop the reſt of theſe Lords, and make himſelf King; all this was fair play and upon the ſquare.

7. *REASON of State*, if we ſpeak of it as fair play, is foren or domeſtic.

8. *REASON of State*, which is foren, conſiſts in balancing foren Princes and States in ſuch a manner, as you may gain upon them, or at leaſt that they may not gain upon you.

9. *REASON of State*, which is domeſtic, is the Adminiſtration of a Government (being not uſurp'd) according to the Foundation and Superſtructures of the ſame if they be good, or ſo as not being good that they may be mended, or ſo as being good or bad they may be alter'd; or, the Government being uſurp'd, the *Reaſon of State* then is the way and means wherby ſuch Uſurpation may be made good or maintain'd.

10. *REASON of State*, in a Democracy which is rightly founded and rightly order'd, is a thing of great facility, whether in a foren or in a domeſtic relation. In a foren, becauſe one good Democracy, weighing two or three of the greateſt Princes, will eaſily give the Balance abroad at its pleaſure; in a domeſtic, becauſe it conſiſts not of any

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more than giving ſuch a ſtop in accumulation that the State coms not to be Monarchical: which one Reaſon of State being made good, all the reſt gos well; and which one Reaſon of State being neglected, all the reſt coms in time to infallible ruin. Chap. 10.

11. REASON of State in a Democracy, which is not right in its Foundations, may flouriſh abroad, and be one: but at home will languiſh or be two Reaſons of State, that is, the Reaſon of the State or Orders of the Nobility, which is to lord it over the People; and the Reaſon of the popular State or Order, which is to bring the Commonwealth to equality: which two Reaſons of State, being irreconcilable, will exerciſe themſelves againſt one another, firſt by Diſputes, then by Plots, till it coms at laſt to open Violence, and ſo to the utter ruin of the Commonwealth, as it happen'd in *Rome*.

12. REASON of State in an abſolute Monarchy (whether Foren or Domeſtic) is but threefold; as firſt to keep its Military Farmers or *Timariots* to the firſt Inſtitution; next to cut him that grows any thing above his due Stature, or lifts up his head above the reſt, by ſo much the ſhorter; and laſt of all, to keep its Arms in exerciſe.

13. IN Ariſtocratical Monarchy Reaſon of State (as to the whole) is but one thing, that is, to preſerve the Counterpoiſe of the King and the two, or the three, or the four Eſtates: For in ſom Countrys, as in *Poland*, there are but two Eſtates, the Clergy and the Nobility; in others, as in *Sweden*, there are four, the Nobility, the Gentry, the Clergy, and the Commons: in moſt others there are but three, the Lords Spiritual, the Lords Temporal, and the Commons.

14. IN Ariſtocratical Monarchy Reaſon of State (as to the parts) is a multifarious thing, every State having its peculiar Reaſon of State, and the King alſo his Reaſon of State: with the King it is to balance the Nobility, that he may hold them under; Reaſon of State with the Nobility is to balance the King, leſt he ſhould grow abſolute; Reaſon of State both with the King and the Nobility is to keep down the People; and Reaſon of State with the People is to drive at their Liberty.

15. IN Forms that are pure, or in Governments that have no more than an abſolute Prince or one State, as abſolute Monarchy and equal or pure Democracy, there is but one Reaſon of State, and that is to preſerve the Form intire. In Forms that are mix'd (as in an inequal Commonwealth where there are two Eſtates, and in Ariſtocratical Monarchy where there is a King and two if not three Eſtates) there are ſo many Reaſons of State to break the Form, that there has not bin any inequal Commonwealth which either the People have not brought to Democracy, or the Nobility to Monarchy. And ſcarce was there any Ariſtocratical Monarchy, where (to omit the Wars of the Nobility with their King, or among themſelves) the People have not driven out their King, or where the King has not brought the People into Slavery. Ariſtocratical Monarchy is the true Theatre of Expedient-mongers and State-emperics, or the deep Waters wherin that Leviathan the Miniſter of State takes his paſtime.

16. THE Complaint that the Wiſdom of all theſe latter times in Princes Affairs conſiſts rather in fine deliverys and ſhiftings of Dangers or Miſchiefs when they are near, than in ſolid and grounded courſes to keep them off, is a Complaint in the Streets of Ariſtocratical Monarchy: and not to be remedy'd, becauſe the Nobility being not bro-

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Chap. 10. ken, the King is in danger, and the Nobility being broken, the Monarchy is ruin'd.

17. AN Abſurdity in the form of the Government (as that in a Monarchy there may be two Monarchs) ſhoots out into a miſchief in the Adminiſtration, or ſom wickedneſs in the Reaſon of State, as in ROMULUS's killing of REMUS, and the monſtrous Aſſaſſinations of the *Roman* Emperors.

18. USURPATION of Government is a Surfeit that converts the beſt Arts into the worſt: *Nemo unquam imperium flagitio acquiſitum bonis artibus exercuit.*

19. AS in the privation of Virtue, and in Beggery, men are Sharks or Robbers, and the reaſon of their way of living is quite contrary to thoſe of Thrift; ſo in the privation of Government, as in Anarchy, Oligarchy, or Tyranny, that which is Reaſon of State with them is directly oppoſit to that which is truly ſo: whence are all thoſe black Maxims ſet down by ſom Politicians, particularly MACHIAVEL in his *Prince*, and which are condemn'd to the fire even by them who, if they liv'd otherwiſe, might blow their fingers.

20. WHERE the Government from a true Foundation riſes up into proper Superſtructures or Form, the Reaſon of State is right and ſtreight; but give our Politician peace when you pleaſe, if your Houſe ſtands awry, your Props do not ſtand upright.

21. TAKE a Jugler, and commend his Tricks never ſo much, yet if in ſo doing you ſhew his Tricks you ſpoil him; which has bin and is to be confeſs'd of MACHIAVEL.

22. CORRUPTION in Government is to be read and conſider'd in MACHIAVEL, as Diſeaſes in a man's Body are to be read and conſider'd in HIPPOCRATES.

23. NEITHER HIPPOCRATES nor MACHIAVEL introduc'd Diſeaſes into man's Body, nor Corruption into Government, which were before their times; and ſeeing they do but diſcover them, it muſt be confeſt that ſo much as they have don tends not to the increaſe but the cure of them, which is the truth of theſe two Authors.

POLI-

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POLITICAL APHORISMS.

Obſequium amicos, veritas odium parit. Terent.

1. THE Errors and Sufferings of the People are from their Governors.

2. WHEN the Foundation of a Government comes to be chang'd, and the Governors change not the Superſtructures accordingly, the People becom miſerable.

3. THE Monarchy of *England* was not a Government by Arms, but a Government by Laws, tho imperfect or ineffectual Laws.

4. THE later Governments in *England* ſince the death of the King, have bin Governments by Arms.

5. THE People cannot ſee, but they can feel.

6. THE People having felt the difference between a Government by Laws and a Government by Arms, will always deſire the Government by Laws, and abhor that of Arms.

7. WHERE the Spirit of the People is impatient of a Government by Arms, and deſirous of a Government by Laws, there the Spirit of the People is not unfit to be truſted with their Liberty.

8. THE Spirit of the People of *England*, not truſted with their Liberty, drives at the reſtitution of Monarchy by Blood and Violence.

9. THE Spirit of the People of *England*, truſted with their Liberty, if the Form be ſufficient, can never ſet up a King; and if the Form be inſufficient (as a Parlament with a Council in the intervals, or two Aſſemblys coordinat) will ſet up a King without Blood or Violence.

10. TO light upon a good Man, may be in Chance; but to be ſure of an Aſſembly of good Men, is not in Prudence.

11. WHERE the Security is no more than perſonal, there may be a good Monarch, but can be no good Commonwealth.

12. THE neceſſary Action or Uſe of each thing is from the nature of the Form.

13. WHERE the Security is in the Perſons, the Government makes good men evil; where the Security is in the Form, the Government makes evil men good.

14. ASSEMBLYS legitimatly elected by the People, are that only Party which can govern without an Army.

15. NOT the Party which cannot govern without an Army, but the Party which can govern without an Army, is the refin'd Party, as to this intent and purpoſe truly refin'd; that is, by Popular Election, according to the Precept of MOSES, and the Rule of Scripture:

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Take ye wiſe men, and underſtanding, and known among your Tribes, and I will make them Rulers over you.

16. THE People are deceiv'd by Names, but not by Things.

17. WHERE there is a well-order'd Commonwealth, the People are generally ſatisfy'd.

18. WHERE the People are generally diſſatisfy'd, there is no Commonwealth.

19. THE Partys in *England* declaring for a Commonwealth, hold every one of them ſomething that is inconſiſtent with a Commonwealth.

20. TO hold that the Government may be manag'd by a few, or by a Party, is inconſiſtent with a Commonwealth; except in a Situation like that of *Venice*.

21. TO hold that there can be any National Religion or Miniſtry without public Indowment and Inſpection of the Magiſtracy, or any Government without a national Religion or Miniſtry, is inconſiſtent with a Commonwealth.

22. TO hold that there may be Liberty, and not Liberty of Conſcience, is inconſiſtent with a Commonwealth that has the Liberty of her own Conſcience, or that is not Popiſh.

23. WHERE Civil Liberty is intire, it includes Liberty of Conſcience.

24. WHERE Liberty of Conſcience is intire, it includes Civil Liberty.

25. EITHER Liberty of Conſcience can have no ſecurity at all, or under Popular Government it muſt have the greateſt ſecurity.

26. TO hold that a Government may be introduc'd by a little at once, is to wave Prudence, and commit things to Chance.

27. TO hold that the Wiſdom of God in the Formation of a Houſe or of a Government, gos not univerſally upon natural Principles, is inconſiſtent with Scripture.

28. TO hold that the Wiſdom of Man in the formation of a Houſe, or of a Government, may go upon ſupernatural Principles, is inconſiſtent with a Commonwealth, and as if one ſhould ſay, God ordain'd the Temple, therfore it was not built by Maſons; he ordain'd the Snuffers, therfore they were not made by a Smith.

29. TO hold that Hirelings (as they are term'd by ſom) or an indow'd Miniſtry, ought to be remov'd out of the Church, is inconſiſtent with a Commonwealth.

30. NATURE is of GOD.

31. SOM part in every Religion is natural.

32. A UNIVERSAL Effect demonſtrats a univerſal Cauſe.

33. A UNIVERSAL Cauſe is not ſo much natural, as it is Nature it ſelf.

34. EVERY man, either to his terror or conſolation, has ſom ſenſe of Religion.

35. MAN may rather be defin'd a religious than a rational Creature; in regard that in other Creatures there may be ſomthing of Reaſon, but there is nothing of Religion.

36. GOVERNMENT is of human Prudence, and human Prudence is adequat to man's Nature.

37. THE Prudence or Government that is regardleſs of Religion, is not adequat nor ſatisfactory to man's Nature.

38. WHERE

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38. WHERE the Government is not adequat or ſatisfactory to man's Nature, it can never be quiet or perfect.

39. THE major part of Mankind gives itſelf up in the matter of Religion to the public leading.

40. THAT there may be a public leading, there muſt be a National Religion.

41. WHERE the minor part takes away the National Religion, there the major part is depriv'd of Liberty of Conſcience by the minor.

42. WHERE the major part is depriv'd of Liberty of Conſcience by the minor, there they will deprive the minor of that Liberty of Conſcience which they might otherwiſe injoy.

43. IN *Iſrael* there was an indow'd Clergy or Prieſthood, and a National Religion under inſpection of the Magiſtrat: whence the *Chriſtians* in Apoſtolic Times, defraying their own Miniſtry, could have Liberty of Conſcience; wheras if the *Chriſtians* by going about to take away Tithes, and aboliſh the National Religion, had indeavor'd to violat the Conſciences of the unconverted *Jews*, theſe being far greater in number, muſt needs have taken away the Liberty of Conſcience from the *Chriſtians*.

44. *PAUL* in *Athens* could freely and undiſturbedly convert DIONYSIUS and others; therfore in *Athens* there was Liberty of Conſcience: but if PAUL and his Converts had gon about to drive Hirelings, or an indow'd Prieſthood or Clergy out of that Church, who ſees not that the *Athenians* would have driven PAUL and his Converts out of *Athens?*

45. THAT there may be Liberty of Conſcience, there muſt be a National Religion.

46. THAT there may be a National Religion, there muſt be an indowed Clergy.

47. COMMONWEALTHS have had three ways of Union. As the *Athenians*, by bringing their Confederats to ſubjection: As the United Provinces by an equal League: or as the *Romans* by an inequal League. The firſt way is tyrannical. In the ſecond, one Commonwealth under the League is no more than another, and each one as to herſelf has a Negative: which kind of Union is not only obſtructive, but tends (as we have ſeen both in *Holland* and *Switzerland)* towards Diviſion. In the third way, the Commonwealth uniting other Commonwealths, retains to her ſelf the leading of the whole League, leaving to each of the reſt her own Laws, and her own Liberty.

48. TILL a Commonwealth be firſt fram'd, how ſuch a Commonwealth ſhould make an effectual Union with another Nation, is not poſſible to be ſeen.

49. THE new, unpractis'd, and heretofore unheard Union (as it is vulgarly ſpoken) with *Scotland*, by uniting Deputys of divers Nations, not in a Council apart, or by way of States General, as in the United Provinces, but in the ſtanding Councils of ſom one Commonwealth in the League, is deſtructive to Liberty both in *England* and in *Scotland*.

50. IF the Commonwealth of *England* receives Deputys from *Scotland* in a greater number than that of her own, ſhe receives Law from a foren Intereſt, and ſo loſes her own Liberty.

51. IF

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51. IF *Scotland* be receiv'd in an equal number, it obſtructs the freedom of both, or occaſions War or Diſſenſion.

52. IF *Scotland* be receiv'd in an inferior number, ſhe receives Law from *England*, and ſo loſes her Liberty. The like is underſtood of *Ireland*.

53. WHERAS a well-order'd Commonwealth ſhould give the Balance to her Confederats, and not receive it from them; the Councils in which divers others are thus united, tho in a far inferior number of Deputys, yet if theſe ly in wait, or lay their heads together, may be over-rul'd, obſtructed, or overbalanc'd by foren Intereſts.

54. WHERE Countrys are divers in their Laws, and yet are to receive Laws one from the other, neither the Commonwealth giving Law, knows what to give, nor the Commonwealth receiving Law, underſtands what ſhe receives: in which caſe the Union returns to Force or Confuſion.

55. THE beſt way of holding a Nation different or not different in Laws, is the *Roman*, that is, by way of Province.

56. A PROVINCE, eſpecially if ſhe has ſtrong holds, may by defraying of a ſmall Guard, be kept to a juſt League, and for the reſt injoy her own Laws, her own Government, and her perfect Liberty. Other ways of Union will be found more chargeable, and leſs effectual, on both ſides: for if *England* has no Army in *Scotland*, *Scotland* will receive no Law from *England*; and if *England* has an Army there, her hold conſiſts not in the Union, but in the Force. The like is to be underſtood of *Ireland*.

57. IF a Country be very ſmall, and not able to ſubſiſt of it ſelf, as *Wales*, it may be ſafely united and held: but the advantage that *Wales* has in a participation of all Magiſtracys and Offices, is not that which *England* is able to afford to ſuch a Country as *Scotland*, without ſubjecting her neck to the yoke.

58. THE order of a Commonwealth requires, that it conſiſts, firſt of a Civil; ſecondly, of a Religious; thirdly, of a Military; and fourthly, of a Provincial part. The manner of uniting Provinces or different Nations, pertains to the laſt part; and in the formation of a Commonwealth, to begin with that firſt, which is naturally laſt, is to invert the Order, and by conſequence the Commonwealth it ſelf, which indeed is nothing but Order.

59. WHERE there can be any other Government, there can be no Commonwealth.

60. WHERE there can be a Commonwealth, what tumults ſoever there happen, and which ſoever prevail, there can be no other Government; that is to ſay, without foren Invaſion, which throout I muſt be underſtood to except.

61. IF Sir GEORGE BOOTH had prevail'd, he muſt either have introduc'd a Commonwealth, or have reſtor'd the King.

62. IF the King were reſtor'd, he muſt either govern by an Army, or by Parlaments.

63. A KING governing now in *England* by an Army, would for the ſame Cauſes find the ſame Effects with the late Protector.

64. A KING governing now in *England* by Parlaments, would find the Nobility of no effect at all.

65. A PARLAMENT, where the Nobility is of no effect at all, is a mere Popular Council.

66. A

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66. A MERE Popular Council will never receive Law from a King.

67. A MERE Popular Council giving Law to a King, becoms therby a Democracy, or equal Commonwealth; or the difference is no greater than in the imperfection of the Form.

68. A COMMONWEALTH or Democracy to be perfect in the Form, muſt conſiſt eſpecially of ſuch an Aſſembly, the Reſult wherof can go upon no Intereſt whatſoever, but that only which is the common intereſt of the whole People.

69. AN Aſſembly conſiſting of a few, may go upon the Intereſt of one man, as a King; or upon the Intereſt of one Party, as that of Divines, Lawyers, and the like; or the Intereſt of themſelves, and the perpetuation of their Government.

70. THE Popular Aſſembly in a Commonwealth may conſiſt of too few, but can never conſiſt of too many.

71. IN every Commonwealth there has bin a Popular Aſſembly. This in *Iſrael* at leaſt conſiſted of twenty four thouſand, upon a monthly Rotation. In *Athens*, *Lacedemon*, *Rome*, it conſiſted of the whole Citizens, that is, of all ſuch as had a right in the Commonwealth, whether they inhabited in City or Country. In *Venice* it conſiſts of about two thouſand. In the Province of *Holland* only, which contains eighteen or nineteen Soveraintys, the Popular or reſolving Aſſemblys conſiſt at leaſt of five hundred Perſons: theſe in the whole Union, may amount to five or ſix thouſand; in *Switzerland* I believe they com to a greater number. And the moſt of theſe Aſſemblys have bin perpetually extant.

72. IF the Popular Aſſembly conſiſts of ſo few, and ſo eminent Perſons as are capable of any orderly Debate, it is good for nothing but to deſtroy the Commonwealth.

73. IF the Popular Aſſembly conſiſts of ſo many, and for the greater part of ſo mean Perſons as are not capable of Debate, there muſt be a Senat to help this defect.

74. THE Reaſon of the Senat is, that a Popular Aſſembly rightly conſtituted, is not capable of any prudent debate.

75. THE Reaſon of the Popular Aſſembly is, that a Senat rightly conſtituted for Debate, muſt conſiſt of ſo few and eminent Perſons, that if they have the Reſult too, they will not reſolve according to the Intereſt of the People, but according to the Intereſt of themſelves.

76. A POPULAR Aſſembly without a Senat cannot be wiſe.

77. A SENAT without a Popular Aſſembly will not be honeſt.

78. THE Senat and the Popular Aſſembly being once rightly conſtituted, the reſt of the Commonwealth will conſtitute itſelf.

79. THE *Venetians* having ſlain divers of their Dukes for their Tyranny, and being aſſembl'd by ſuch numbers in their great Council as were naturally incapable of Debate, pitch'd upon thirty Gentlemen who were call'd *Pregati*, in that they were pray'd to go apart, and, debating upon the Exigence of the Commonwealth, to propoſe as they thought good to the great Council: and from thence firſt aroſe the Senat of *Venice* (to this day call'd the *Pregati*) and the *Great Council*, that is, the Senat and the Popular Aſſembly of *Venice*. And from theſe two aroſe all thoſe admirable Orders of that Commonwealth.

80. THAT

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80. THAT a People of themſelves ſhould have ſuch an underſtanding as when they of *Venice* did inſtitute their *Pregati* or Senat, is rare.

81. THAT a Senat or Council of Governors having ſupreme Power, ſhou'd inſtitute a popular Aſſembly, and propoſe to it, tho in all reaſon it be the far more facil and practicable, is that which is rarer.

82. THE diffuſive body of the People is not in a natural capacity of judging; for which cauſe the whole judgment and power of the diffuſive Body of the People muſt be intirely and abſolutely in their collective Bodys, Aſſemblys or Repreſentatives, or there can be no Commonwealth.

83. TO declare that Aſſemblys or Repreſentatives of the People have power in ſom things, and in others not, is to make the diffuſive Body, which is in a natural incapacity of judging, to be in a political capacity of judging.

84. TO bring a natural incapacity of judging to a political capacity of judging, is to introduce Government. To bring a natural incapacity of judging to ſuch a collective or political capacity of judging, as yet neceſſarily muſt retain the Intereſt of the diffuſive Body, is to introduce the beſt kind of Government. But to lay any appeal whatſoever from a political capacity of judging, to a natural incapacity of judging, is to fruſtrat all Government, and to introduce Anarchy. Nor is Anarchy, whether impos'd or obtruded by the Legiſlator firſt, or by the People, or their Demagogs or Incendiarys afterwards, of any other kind whatſoever than of this only.

85. TO make Principles or Fundamentals, belongs not to Men, to Nations, nor to human Laws. To build upon ſuch Principles or Fundamentals as are apparently laid by GOD in the inevitable neceſſity or Law of Nature, is that which truly appertains to Men, to Nations, and to human Laws. To make any other Fundamentals, and then build upon them, is to build Caſtles in the Air.

86. WHATEVER is violent, is not ſecure nor durable; whatever is ſecure and durable, is natural.

87. GOVERNMENT in the whole People, tho the major part were diſaffected, muſt be ſecure and durable, becauſe it waves Force, to found it ſelf upon Nature.

88. GOVERNMENT in a Party, tho all of theſe were well affected, muſt be inſecure and tranſitory, becauſe it waves Nature, to found itſelf upon Force.

89. COMMONWEALTHS, of all other Governments, are more eſpecially for the preſervation, not for the deſtruction, of Mankind.

90. COMMONWEALTHS, that have bin given to cut off their diſeas'd Limbs (as *Florence)* have brought themſelves to impotence and ruin. Commonwealths that have bin given to healing their diſeas'd Limbs (as *Venice)* have bin healthful and flouriſhing.

91. *ATHENS* under the Oligarchy of four hundred, was infinitly more afflicted and torn with Diſtraction, Blood and Animoſity of Partys, than is *England*; yet by introduction of a Senat of four hundred, and a popular Aſſembly of five thouſand, did therupon, ſo ſuddenly as if it had been a Charm, recover Might and Glory. *See the*

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the eighth Book of THUCYDIDES; *A Story in theſe Times moſt neceſſary to be conſider'd.*

92. TO leave our ſelves and Poſterity to a farther purchaſe in Blood or Sweat of that which we may preſently poſſeſs, injoy, and hereafter bequeath to Poſterity in Peace and Glory, is inhuman and impious.

93. AS certainly and ſuddenly as a good ſtate of health diſpels the peeviſhneſs and peril of Sickneſs, dos a good ſtate of Government the animoſity and danger of Partys.

94. THE Frame of a Commonwealth having firſt bin propos'd and conſider'd, Expedients (in caſe ſuch ſhould be found neceſſary for the ſafe, effectual, and perfect introduction of the ſame) may with ſom aim be apply'd or fitted; as to a Houſe, when the Model is reſolv'd upon, we fit Scaffolds in building. But firſt to reſolve upon Expedients, and then to fit to them the Frame of a Commonwealth, is as if one ſhould ſet up Props, and then build a Houſe to lean upon them.

95. AS the chief Expedients in the building of a Houſe are Axes and Hammers; ſo the chief Expedient in the building of a Government, is a ſtanding Army.

96. AS the Houſe which, being built, will not ſtand without the perpetual noiſe or uſe of Axes and Hammers, is imperfect; ſo is the Government which, being form'd, cannot ſupport it ſelf without the perpetual uſe of a ſtanding Army.

97. WHILE the Civil and Religious parts of a Commonwealth are in forming, there is a neceſſity that ſhe ſhould be ſupported by an Army; but when the Military and Provincial parts are rightly form'd, ſhe can have no farther uſe of any other Army. Wherfore at this point, and not till then, her Armys are by the practice of Commonwealths, upon ſlighter occaſions, to have half pay for life, and to be diſbanded.

98. WHERE there is a ſtanding Army, and not a form'd Government, there the Army of neceſſity will have Dictatorian Power.

99. WHERE an Army ſubſiſts upon the Pay or Riches of a ſingle Perſon, or of a Nobility, that Army is always monarchical. Where an Army ſubſiſts not by the Riches of a ſingle Perſon, nor of a Nobility, that Army is always popular.

100. THE *Engliſh* Armys are popular Armys.

101. WHERE Armys are popular, and exerciſe Dictatorian Power in depoſing ſingle Perſons, and monarchical Aſſemblys, there can be no greater, nor needs any other Expedient for the introduction of a Commonwealth. Nevertheleſs to this may be added ſom ſuch moderat Qualifications as may prune the Commonwealth, not lop off her Branches. Whom theſe will not ſatisfy, it is not a Commonwealth, but a Party, that can.

102. IF the late King had freely permitted to the People the exerciſe of the Power inevitably devolv'd upon them by the change of the Balance, he had not bin deſtroy'd. If either of the late ſingle Perſons had brought the People into an orderly exerciſe of the Power devolv'd upon them, he had bin great. What Party ſoever ſhall hinder the People from the exerciſe of the Power devolv'd upon them, ſhall be certainly ruin'd: who or what Party ſoever ſhall in-

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troduce the People into the due and orderly exerciſe of the Power devolv'd upon them, ſhall be forthwith ſecure and famous for ever.

103. A MAN uſes, nouriſhes, and cheriſhes his Body, without underſtanding it; but he that made the Body underſtood it.

104. THE reaſon why the Nations that have Commonwealths, uſe them ſo well, and cheriſh them ſo much, and yet that ſo few Nations have Commonwealths, is, That in uſing a Commonwealth, it is not neceſſary it ſhould be underſtood; but in making a Commonwealth, that it be underſtood, is of abſolute neceſſity. *Caput Reipublicæ eſt noſſe Rempub.* CICERO.

105. AS the natural Body of a *Chriſtian* or Saint can be no other for the frame, than ſuch as has bin the natural Body of an *Iſraelit* or of a Heathen; ſo the political Bodys, or Civil Governments of *Chriſtians* or Saints can be no other, for the frame, than ſuch as have bin the political Bodys or Civil Governments of the *Iſraelits*, or of the Heathens.

106. IT ſhall be as ſoon found when and where the Soul of a Man was in the Body of a Beaſt, as when or where the Soul or Freedom natural to Democracy, was in any other Form than that only of a Senat, and an Aſſembly of the People.

107. IN thoſe things wherin, and ſo far as Art is directed or limited by the nature of her Materials, it is in Art as in Nature.

108. THAT Democracy, or equal Government by the People, conſiſt of an Aſſembly of the People, and a Senat, is that wherby Art is altogether directed, limited, and neceſſitated by the nature of her Materials.

109. AS the Soul of Man can never be in the Body of a Beaſt, unleſs GOD make a new Creation; ſo neither the Soul or Freedom natural to Democracy in any other Form whatſoever, than that only of a Senat, and a Popular Aſſembly.

110. THE right Conſtitution, Coherence, and proper Symmetry of a Form of Government gos for the greater part upon Invention.

111. REASON is of two parts; Invention, and Judgment.

112. JUDGMENT is moſt perfect in an Aſſembly.

113. INVENTION is moſt perfect in one Man.

114. IN one Man, Judgment wants the ſtrength which is in a multitude of Counſillors.

115. IN a multitude of Counſillors, Invention is none at all.

116. THRO the defect of Invention, the wiſeſt Aſſemblys in the formation or reformation of Government, have pitch'd upon a ſole Legiſlator.

117. IT is not below the Dignity of the greateſt Aſſembly, but according to the practice of the beſt Commonwealths, to admit of any man that is able to propoſe to them, for the good of his Country.

118. TO the making of a well order'd Commonwealth, there gos little more of pains or charge, or work without doors, than the Eſtabliſhment of an equal or apt Diviſion of the Territory, and the propoſing of ſuch Election to the Diviſions ſo made, as from an equal Foundation may raiſe equal Superſtructures; the reſt being but paperwork, is as ſoon don, as ſaid or voted.

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119. WHERE ſuch Elections are propos'd, as being made by the People, muſt needs produce a well order'd Senat and Popular Aſſembly, and the People (who, as we have already found by experience, ſtick not at the like work) elect accordingly; there not the Propoſers of any power in themſelves, but the whole People by their peculiar and natural right and power, do inſtitute and ordain their whole Commonwealth.

120. THE higheſt earthly Felicity that a People can aſk, or GOD can give, is an equal and well-order'd Commonwealth. Such a one among the *Iſraelits*, was the reign of GOD; and ſuch a one (for the ſame reaſon) may be among *Chriſtians* the Reign of CHRIST, tho not every one in the *Chriſtian* Commonwealth ſhould be any more a *Chriſtian* indeed, than every one in the *Iſraelitiſh* Commonwealth was an *Iſraelit* indeed.

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Seven Models of a Commonwealth:

OR BRIEF

DIRECTIONS

Shewing how a fit and perfect MODEL

OF

Popular Government

May be made, found, or underſtood.

THERE is nothing more apparent, than that this Nation is greatly diſquieted and perplex'd thro a complication of two Cauſes: The one, that the preſent ſtate therof is not capable of any other Form than that only of a Popular Government; the other, that they are too few who underſtand what is the Form or Model naturally neceſſary to a Popular Government, or what is requir'd in that Form or Prudence for the fitting of it to the uſe of this Nation. For theſe Infirmitys I ſhall offer ſom Remedy by a brief Diſcourſe or Direction conſiſting of two Parts.

THE firſt ſhewing thoſe Forms or Models of Popular Government, or of Commonwealths, which have bin hitherto extant, whether fit or unfit for the preſent ſtate of this Nation: The ſecond, ſhewing a Model or Form of Popular Government fitted to the preſent ſtate of this Nation. In the firſt part I ſhall propoſe ſeven Models roughly and generally: in the ſecond, one, but more particularly and exactly.

THE FIRST PART.

IN every Frame of Government, either the Form muſt be fitted to the Property as it ſtands, and this is only practicable in this Nation; or the Property muſt be alter'd and fitted to the Frame, which without force has bin ſomtimes, but very ſeldom, practicable in any other Nation. Nevertheleſs, for the better knowlege of the one way, it will be beſt to propoſe in both ways.

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THE FIRST MODEL OF POPULAR GOVERNMENT PROPOS'D.

The Commonwealth of Iſrael.

THAT the Nobility, the Gentry, and the People, be perſuaded to give up their whole Lands to the Commonwealth.

THAT if the whole People ſhall ſo give up their Lands, they be divided into twelve equal Precincts, call'd Tribes.

THAT the man of greateſt quality in every Tribe have about ten thouſand pounds a year given to him and his Heirs, with the hereditary Dignity of Prince of his Tribe.

THAT ſom ten other men of the next quality under the Prince in every Tribe, have about two thouſand pounds a year in the ſame given to each of them and their Heirs, with the hereditary Dignity of Patriarchs, or Chief of the Fathers.

THAT the remaining part of the Lands, except forty eight Citys and their Suburbs, be diſtributed to the whole People equally by Lots.

THAT it be not Lawful for any Prince, Patriarch, or other, to ſell or alienat his Land, or any part therof, in ſuch manner, but that upon every fiftieth year, being for this cauſe a year of *Jubile*, all Lands within that compaſs ſold or alienated return to the antient Poſſeſſors or lawful Heirs.

THAT there be one other Tribe added to the twelve; that this Tribe ſo added be not local, nor ſuffer'd to have any Lands at all, except the forty eight Citys above reſerv'd, with their Suburbs, that is with a quantity of Land to each of them, being in depth two thouſand Cubits round. That theſe be ſettl'd upon them and their Heirs for ever, beſides the annual Tithe of the whole Territory, and a piece of Mony every year upon every Head under the notion of an Offering, in regard that other Offerings are now unlawful; and that this Tribe conſiſt of Clergy, having one hereditary Archbiſhop, or High Prieſt, for the Head and Prince of their Tribe.

THAT there be no other Law than that of the Word of God only; and that the Clergy being beſt ſkill'd in this Law, be eligible into all Courts of Juſtice, all Magiſtracys and Offices whatſoever.

THAT the Prince of a Tribe, together with one or more Courts, conſiſting of twenty three Judges elected by the People of that Tribe for life, be the Government of the ſame.

THAT the People of twelve local Diviſions take by the Ballot wiſe men and underſtanding among their Tribes, and of theſe con-

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conſtitute a Senat for the whole Commonwealth conſiſting of ſeventy Elders for life.

THAT every local Tribe monthly elect two thouſand of their own number; and that theſe Elections amounting in all to four and twenty thouſand, aſſemble at the Metropolis or Capital City, and be the monthly Repreſentative of the People.

THAT the Senat be a ſtanding Judicatory of Appeal from all other Courts, with power to ſhew the Sentence of the Laws of God.

THAT beſides the Law of God, whatever ſhall be propos'd by the ſeventy Elders, and reſolv'd by the monthly Repreſentative of the People, be the Law of the Land.

A SECOND MODEL OF A COMMONWEALTH PROPOS'D.

THAT there be a King without Guards.

THAT the Word or Command of this King be the Law.

THAT this King ſtirring out of his Palace, it may be lawful for any man to ſlay him.

In this Model there wants but Security, that while the People are diſpers'd the King can gather no Army, to demonſtrat, That either the People muſt be free, or the King a Priſoner.

A THIRD MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Sparta.

THAT the Nobility, the Gentry, and the People, having upon perſuaſion given up their Lands to the Public, the whole Territory be divided into one hundred thouſand equal Lots, and two more, being each of ten thouſand Acres.

THAT the inferior Lots be diſtributed to the People.

THAT every man poſſeſſing a Lot, be a Citizen.

THAT the reſt, except only the Children of Citizens, be Servants to, and Tillers of the ground for the Citizens.

THAT there be no profeſs'd Students.

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THAT no Citizen exerciſe any Trade but that of Arms only; and that the uſe of Mony, except it be made of Iron, be wholly baniſh'd.

THAT there be two Kings hereditary: That each of them poſſeſs one of thoſe Lots of ten thouſand Acres.

THAT they be Preſidents of the Senat, with ſingle Votes; and that in War they have the leading of the Armys.

THAT there be a Senat conſiſting, beſides the Kings, of twenty eight Senators, elected for life by the People.

THAT whatever be propos'd by this Senat to the whole People, or any ten thouſand of them, and ſhall be reſolv'd by the ſame, be the Law.

THAT there be a Court conſiſting of five annual Magiſtrats elected by the People; and that this Court have power to bring a King, a Senator, or other, that ſhall openly or ſecretly violat the Laws, or invade the Government, to Juſtice.

A FOURTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Athens.

THAT there be a Repreſentative of the People, conſiſting of five thouſand.

THAT theſe annually elect by lot a Senat conſiſting of four hundred, and a Signory by ſuffrage conſiſting of nine annual Princes.

THAT each fourth part of the Senat, for one fourth part of their annual term, be a Council of State.

THAT the Council of State may aſſemble the People, and propoſe to the ſame: That the Senat may aſſemble the People, and propoſe to them. And that what is propos'd by the Senat, and reſolv'd by the People, be the Law.

THAT the executive Power of the Laws made, be more eſpecially committed and diſtributed in various Functions, and divers Adminiſtrations, to the nine Princes.

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A FIFTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Rome.

THAT the whole Nation be divided into three distinct Orders: the one *Senatorian*, or Nobility; the other *Equestrian*, or Gentry; and the third *Plebeian*, or Popular.

THAT the Equestrian Order be the Cavalry of the Commonwealth, and the Plebeian the Foot.

THAT there be a Senat consisting of the Senatorian Order, and of three hundred Senators for life.

THAT there be two Magistrats elected by the People, for five years term, call'd Censors.

THAT the Censors have power upon cause shewn to remove a Senator out of the Senat; and to elect a Nobleman, or somtimes a Plebeian, therby made Noble, into the Senat.

THAT there be two annual Magistrats elected by the People, call'd *Consuls*.

THAT the Consuls be Presidents of the Senat, and have the leading of the Armys.

THAT the Senat (as they shall see occasion) may nominat one person to be Dictator for som short term.

THAT the Dictator for his term have Soverain Power.

THAT there be a Division of the whole People, of what Orders soever, into six Classes, according to the valuation of their Estates. For example: That the first Classis consist of all such as have two thousand pounds a year, or upwards; the second of all such as have one thousand pounds a year, or upwards, under two; the third, of all such as have six hundred pounds a year, or upwards, under one thousand; the fourth, of all such as have three hundred pounds a year, or upwards, under six hundred; the fifth, of all such as have under the former proportion; the sixth, of all such as pay no Taxes, or have no Land, and that these be not us'd in Arms.

THAT the Senat propose all Laws to be enacted, to an Assembly of the People.

THAT all Magistrats be elected by the same.

THAT this Assembly of the People consist of the five Classes, in such manner, that if the Votes of the first and second Classes be near equal, the third Classis be call'd; and if these agree not, the fourth be call'd; and so for the rest.

THAT what is thus propos'd by the Senat, and resolv'd by the People, be the Law.

IN

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IN this Frame the Senat, by the optimacy of the firſt and ſecond Claſſes (which ſeldom or never diſagree) carrys all, to the excluſion of the main Body of the People: whence ariſes continual feud or enmity between the Senat and the People: who conſulting apart, introduce Popular Debate, ſet up ſom other way of Aſſembly, as by Tribes, or by Pariſhes, with more equality of Votes; elect Magiſtrats of their own, make Decrees binding the Senat of Nobility, indeavor to curb their Power by weakning their Balance, or diminiſhing their Eſtates: All theſe tumultuouſly, and to the alteration of the Government, with ſo frequent Changes under ſo divers ſhapes, as make a very Proteus *of the Commonwealth, till having bin all her life-time afflicted with Anarchy, ſhe ends her days in Tyranny.*

A SIXTH MODEL
OF
A COMMONWEALTH
PROPOS'D.

The Commonwealth of Venice.

THAT the Soverain Power be eſtated upon four thouſand ſelect men, to them and their Heirs for ever.

THAT there be a great Council conſiſting of theſe four thouſand; and that their Sons at five and twenty years of age have right to the ſame.

THAT the great Council elect one Duke for life: That the Duke have a Royal Palace aſſign'd, with a Guard, at the States charge, and a Revenue of fifteen hundred pounds a year; and that he bear the Soverain Dignity of the Commonwealth.

THAT this Duke have ſix Counſillors annually choſen by the great Council. That he have no power to ſign any Writing, tho in his own Name, nor to do any of his political Functions without his Counſillors. That his Counſillors have power to ſign any Writing in the Duke's name, or to do any of his political Functions without him; and that the Duke with theſe ſix Counſillors be the Signory of the Commonwealth.

THAT the Signory of this Commonwealth have ſeſſion and ſuffrage in all the Councils of the ſame, with right alſo to propoſe to each or any of them, either jointly or ſeverally.

THAT one hundred and twenty elected annually by the great Council, together with other Councils and Magiſtrats, to whom of courſe the like Honor is appertaining, be the Senat.

THAT ſixteen other Magiſtrats propos'd by the Senat, and confirm'd by the great Council for the term of ſix months, be a Council apart, with three weekly Provoſts or Propoſers, call'd the College.

THAT the Signory may aſſemble the College, and propoſe to them; that the College may aſſemble the Senat, and propoſe to them;

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and that the Senat may assemble the great Council, and propose to them. And that whatever is resolv'd by the Senat, and not contradicted, nor question'd by the great Council, be the Law.

THAT there be a Council of Ten elected annually by the great Council; and that this Council of Ten, with the Signory, and som of the College, having right of Session and Suffrage in the same, may upon occasion exercise Dictatorian Power in this Commonwealth.

THAT the rest of the People under the Empire of this Commonwealth, be disarm'd, and govern'd by Lieutenants of Provinces. That the Commonwealth have a standing Army of Strangers or others, in Disciplin and Pay. *And that the City wherin she shall reside, be founded in the Sea, after such a manner, that it can no more be approach'd by a Fleet, than by an Army without a Fleet. Otherwise, this Commonwealth is expos'd both to the Provinces, and to a mercenary Army.*

A SEVENTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Holland.

THAT the People in every City, and in every Province or County within these three Nations, elect to every City, Province, or County of the same, a matter of twenty, thirty, or forty Magistrats for life. That these Magistrats being so elected, be the Senat of that respective City, Province or County.

THAT the Senats, thus elected, thenceforth have and injoy the Soverain Power within their respective Jurisdiction, for ever. That every Senat annually elect two or four Burgomasters or Consuls, to be Presidents of the same. That they also elect seven Magistrats, or present fourteen persons to the Governor of the Province; and that he elect seven. That the seven so elected be judges, or have the Executive Power of the Laws for their term, and within their respective Jurisdiction.

THAT in case of Affairs of more public and general concern, as War or Peace, levy of Men or Mony, and the like, the Governor of the Province give information of the things to be consider'd, to the Nobility, and to the Senats of that Province; therwith appointing a time and place for the Assembly of the States Provincial. That each of the Senats, having debated the matter propos'd, delegat one Consul, with som other Senators well inform'd and instructed with their Will and Pleasure, to the Assembly of the States Provincial. That the Nobility of the same Province delegat som of their Order likewise to the Provincial States. That the Delegats both of the Nobility and of the Senats, give the Vote of their Principals according to instruction; and

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and that neither the Nobility, nor any Senat or Soverainty be otherwiſe bound, than by their own Vote.

THAT the Provincial Eſtates elect one Magiſtrat for life, or during pleaſure, to be Provincial Governor: That they elect one or more other Magiſtrats for life, or during pleaſure, to be States General.

THAT the States General being elected, and well inſtructed by their Provinces, have the direction of the whole League: That each give not his own Vote, but the Vote of his Province; and that no Province be otherwiſe bound, than by her own Vote.

IF theſe Models (in which I claim to be the firſt that has laid the whole, and the higheſt Myſterys of the antient Commonwealths, to the loweſt capacity of vulgar Debate) be not all in the mouths of great men, and in Pamphlets, for Chimæras *or* Utopias, *it is great chance: Yet contain they no leſs than the whole Revolution of Popular Prudence. Nor is it more certain, that no one of them would fit the preſent ſtate of this Nation, than that he or they, whoſe Contemplation and Underſtanding is not well vers'd in the moſt, or in the beſt of theſe, ſhall never fit a Model of Popular Government to the preſent ſtate of this Nation, or of any other. In which aſſurance, I com to fulfil my promiſe in the* Second Part, *or to propoſe ſuch a Model as is fitted to the preſent ſtate of this Nation.*

THE

SECOND PART,

Propoſing a MODEL of

A COMMONWEALTH

Fitted to the

Preſent State of this Nation.

BUT ſo it is ever, that the Humors or Intereſts of predominant Partys hold themſelves to be National; and that which fits them, can never fit a Nation; nor that which fits a Nation, ever fit them. This in the Introduction of Government, is always the main difficulty. But where Partys are no better founded, or fitted for Uſurpation, than now in England, *they are rather to be ſlighted than conſider'd, as thoſe, the ſtouteſt wherof have but given this Example to the reſt, that they who in this ſtate of Affairs ſhall obſtruct an equal and well-order'd Government, ſhall but ruin themſelves. For which cauſe it is propos'd:*

1. THAT all Citizens, that is, Freemen, or ſuch as are not Servants, be diſtributed into Horſe and Foot. That ſuch of them as have one hundred pounds a year in Lands, Goods, or Mony,

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or above this proportion, be of the Horſe; and all ſuch as have under this proportion, be of the Foot.

2. THAT all Elders, or Freemen, being thirty years of age or upwards, be capable of civil Adminiſtration; and that the Youth, or ſuch Freemen as are between eighteen years of age and thirty, be not capable of civil Adminiſtration, but of military only, in ſuch manner as ſhall follow in the military part of this Model.

3. THAT the whole native, or proper Territory of the Commonwealth be caſt with as much exactneſs as can be convenient, into known and fix'd Precincts or Pariſhes.

4. THAT the Elders reſident in each Pariſh annually aſſemble in the ſame, for example upon Monday next inſuing the laſt of *December*: That they then and there elect out of their own number every fifth man, or one man of every five, to be for the term of the year inſuing a Deputy of that Pariſh; and that the firſt and ſecond ſo elected be Overſeers, or Preſidents for the regulating of all Parochial Congregations, whether of the Elders, or of the Youth, during the Term for which they were elected.

5. THAT ſo many Pariſhes lying neareſt together, whoſe Deputys ſhall amount to one hundred or therabouts, be caſt into one Precinct call'd the Hundred; and that in each Precinct call'd the Hundred, there be a Town, Village, or place appointed to be the Capital of the ſame.

6. THAT the Parochial Deputys elected throout the Hundred aſſemble annually, for example upon Monday next inſuing the laſt of *January*, at the Capital of their Hundred. That they then and there elect out of the Horſe of their number one Juſtice of the Peace, one Juryman, one Captain, one Inſign; and out of the Foot of their number one other Juryman, one High Conſtable, *&c.*

7. THAT every twenty Hundreds lying neareſt, and moſt conveniently together, be caſt into one Tribe; that the whole Territory being after this manner caſt into the Tribes, ſome Town or place be appointed to every Tribe for the Capital of the ſame; and that theſe three Precincts (that is, the Pariſh, the Hundred, and the Tribe) whether the Deputys thenceforth annually choſen in the Pariſhes or Hundreds, com to increaſe or diminiſh, remain firm and inalterable for ever, ſave only by Act of Parlament. *The Tribes are preſum'd throout theſe Propoſitions to amount to fifty.*

8. THAT the Deputys elected in the ſeveral Pariſhes, together with their Magiſtrats and other Officers both Civil and Military elected in the ſeveral Hundreds, aſſemble or muſter annually, for example upon Monday next inſuing the laſt of *February*, at the Capital of their Tribe, for the ſpace of two days.

9. THAT this whole Body thus aſſembl'd, upon the firſt day of their Aſſembly elect out of the Horſe of their number, one High Sherif, one Lieutenant of the Tribe, one *Cuſtos Rotulorum*, one Conductor, and two Cenſors. That the High Sherif be Commander in chief, the Lieutenant Commander in the ſecond place, and the Conductor in the third place, of this Band or Squadron: That the *Cuſtos Rotulorum* be muſtermaſter, and keep the Rolls; that the Cenſors be Governors of the Ballot: and that the term of theſe Magiſtracys be annual.

10. THAT

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10. THAT the Magiſtrats of the Tribe (that is to ſay, the High Sherif, Lieutenant, *Cuſtos Rotulorum*, the Cenſors, and the Conductor, together with the Magiſtrats and Officers of the Hundreds, that is to ſay, the twenty Juſtices of the Peace, the forty Jurymen, the twenty High Conſtables) be one Troop, or one Troop and one Company apart, call'd the Prerogative Troop or Company. That this Troop bring in and aſſiſt the Juſtice of Aſſize, hold the Quarter Seſſion in their ſeveral Capacities, and perform their other Functions as formerly.

11. THAT the Magiſtrats of the Tribe (that is to ſay, the High Sherif, Lieutenant, *Cuſtos Rotulorum*, the Cenſors, and the Conductor, together with the twenty Juſtices elected at the Hundreds) be a Court for the Government of the Tribe call'd the Phylarch; and that this Court procede in all matter of Government as ſhall from time to time be directed by Act of Parlament.

12. THAT the Squadron of the Tribe on the ſecond day of their aſſembly, elect two Knights, and three Burgeſſes out of the Horſe of their number, and four other Burgeſſes out of the Foot of their number: that each Knight upon Election forthwith make Oath of Allegiance to the Commonwealth, or refuſing ſuch Oath, the next Competitor in Election to the ſame Magiſtracy, making the ſaid Oath, be the Magiſtrat. The like for the Burgeſſes. That the Knights thus ſworn, have Seſſion in the Senat for the term of three years; and that the Burgeſſes thus ſworn, be of the Prerogative Tribe or Repreſentative of the People for the like term.

13. THAT for the full and perfect inſtitution of the Aſſemblys mention'd, the Squadron of the Tribe in the firſt year of the Commonwealth, elect two Knights for the term of one year, two other Knights for the term of two years, and laſtly two Knights more for the term of three years; the like for the Burgeſſes of the Horſe firſt, and then for thoſe of the Foot. And that this Propoſition be of no farther uſe than for the firſt year's Election only.

14. THAT a Magiſtrat or Officer elected at the Hundred be therby bar'd from being elected a Magiſtrat of the Tribe, or of the firſt day's Election; but that no former Election whatſoever bar a man of the ſecond day's Election at the Tribe, or to be choſen a Knight or Burgeſs. That a man being choſen a Knight or Burgeſs, who before was choſen a Magiſtrat or Officer of the Hundred, or Tribe, may delegat his former Office or Magiſtracy in the Hundred, or in the Tribe, to any other Deputy, being no Magiſtrat nor Officer, and being of the ſame Hundred, and of the ſame Order, that is, of the Horſe or Foot reſpectively.

15. THAT the Knights of the annual Election take their places on Monday next inſuing the laſt of *March* in the Senat; that the like number of Knights whoſe Seſſion determins at the ſame time, recede. That every Knight or Senator be paid out of the public Revenue quarterly, one hundred twenty five pounds during his term of Seſſion, and be oblig'd to ſit in purple Robes.

16. THAT annually on reception of the new Knights, the Senat procede to election of new Magiſtrats or Counſillors. That for Magiſtrats they elect one General, one Speaker, and two Cenſors, each for the term of one year, theſe promiſcuouſly; and that they elect one Commiſſioner of the great Seal, and one Commiſſioner of the Treaſury, each for the term of three years, and out of the new Knights only.

17. THAT

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17. THAT the General and the Speaker, as Conſuls of the Commonwealth, and Preſidents of the Senat, be during the term of their Magiſtracy paid quarterly out of the public Revenue five hundred pounds; that the Inſigns of theſe Magiſtracys be a Sword born before the General, and a Mace before the Speaker; that they be oblig'd to wear Ducal Robes. And that what is ſaid of the General in this Propoſition, be only underſtood of the General ſitting, and not of the General marching.

18. THAT the General ſitting, in caſe he be commanded to march, receive Fieldpay; and that a new General be forthwith elected by the Senat to ſuccede him in the Houſe, with all the Rights, Inſigns and Emoluments of the General ſitting; and this ſo often as one or more Generals are marching.

19. THAT the three Commiſſioners of the Great Seal, and the three Commiſſioners of the Treaſury, uſing their Inſigns and Habit, and performing their other functions as formerly, have paid quarterly to each of them three hundred ſeventy five pounds.

20. THAT the Cenſors govern the Ballot; that they be Preſidents of the Council for Religion; that each have a ſilver Wand for the Inſign of his Magiſtracy; that each be paid quarterly three hundred ſeventy five pounds, and be oblig'd to wear ſcarlet Robes.

21. THAT the General ſitting, the Speaker, and the ſix Commiſſioners aboveſaid, be the Signory of this Commonwealth.

22. THAT there be a Council of State conſiſting of fifteen Knights, five out of each Order, Liſt, or Election; and that the ſame be perpetuated by the annual election of five out of the new Knights, or thoſe laſt elected into the Senat.

23. THAT there be a Council for Religion conſiſting of twelve Knights, four out of each Order, and perpetuated by the annual election of four out of the Knights laſt elected into the Senat. That there be a Council for Trade, conſiſting of a like number, elected and perpetuated in the ſame manner.

24. THAT there be a Council of War not elected by the Senat, but elected by the Council of State out of themſelves. That this Council of War conſiſt of nine Knights, three out of each Order, and be perpetuated by the annual election of three out of the laſt Knights elected into the Council of State.

25. THAT in caſe the Senat add nine Knights more elected promiſcuouſly, or not promiſcuouſly, out of their own number, to the Council of War, the ſaid Council of War be underſtood by ſuch addition to be Dictator of the Commonwealth for the term of three months and no longer, except by farther Order of the Senat the ſaid Dictatorian Power be prolong'd for a like term.

26. THAT the Signory have ſeſſion and ſuffrage, with right alſo jointly or ſeverally to propoſe both in the Senat, and in all Senatorian Councils.

27. THAT each of the three Orders or Diviſions of Knights, in each Senatorian Council, elect one Provoſt for the term of one Week; and that any two Provoſts of the ſame Council ſo elected, may propoſe to the ſame Council for their term, and not otherwiſe.

28. THAT ſom fair Room, or Rooms well furniſh'd and attended, be allow'd at the States charge, for a free and open Academy to all comers, at ſom convenient hour or hours towards the Evening: That

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That this Academy be govern'd according to the Rules of good Breeding, or civil Converſation, by ſom one or more of the Provoſts; and that in this Academy it be lawful for any man, by word of mouth, or by writing, in jeſt or in earneſt, to propoſe to the Propoſers.

29. THAT for Embaſſadors in ordinary, there be four Reſidences, as *France*, *Spain*, *Venice*, and *Conſtantinople*; and that every Reſident upon election of a new Embaſſador in Ordinary, remove to the next Reſidence in order hereby mention'd, till having ſerv'd orderly in all the ſaid Reſidences, he returns home. That upon Monday next inſuing the laſt of *November*, there be every ſecond year elected by the Senat ſom fit perſon, being above twenty five and under thirty five years of age, and not of the Senat, nor of the Popular Aſſembly. That the Party ſo elected repair on Monday next inſuing the laſt of *March* following, as an Embaſſador in Ordinary to the Court of *France*, and there reſide for the term of two years to be computed from the firſt of *April* next inſuing his election. That every Embaſſador in Ordinary be allow'd three thouſand pounds a year during the term of his Reſidence. And that if a Reſident coms to dy, there be an extraordinary Election into his Reſidence for his term, and for the remainder of his removes and progreſs.

30. THAT all emergent Elections be made by ſcrutiny, that is by a Council, or by Commiſſioners propoſing, and by the Senat reſolving in the manner following: That all Field Officers be propos'd by the Council of War: That all Embaſſadors Extraordinary be propos'd by the Council of State: That all Judges and Serjeants at Law be propos'd by the Commiſſioners of the Great Seal: That all Barons and Officers of truſt in the Exchequer be propos'd by the Commiſſioners of the Treaſury; and that ſuch of theſe as are thus propos'd to, and approv'd by the Senat, be held lawfully elected.

31. THAT the cognizance of all foren Negotiation, and of all matter of State to be conſider'd, or Law to be enacted, whether Provincial or National, Domeſtic or Foren, pertain to the Council of State. That all ſuch Affairs of like kind as the Council of State ſhall judg fit to be carry'd with more than ordinary Secrecy, be committed by them, and pertain to the cognizance and truſt of the Council of War, to this end conſiſting of a ſelect Part, or Committee of the Council of State. That the Cognizance and Protection both of the National Religion, and of the Liberty of Conſcience, equally eſtabliſh'd in this Nation, after the manner provided in the religious part of this Model, pertain to the Council for Religion. That all matter of Traffic, and regulation of the ſame pertain to the Council for Trade. That in the exerciſe of theſe ſeveral Functions, each being naturally Senatorian or Authoritative only, no Council aſſume any other Power than ſuch only as ſhall be particularly or expreſly eſtated upon the ſame by Act of Parlament,

32. THAT what ſhall be propos'd to the Senat by any one or more of the Signory, or of the Propoſers General; or whatever was propos'd by any two of the Provoſts, or particular Propoſers to their reſpective Council, and upon debate at that Council ſhall com to be propos'd by the ſame to the Senat, be neceſſarily debatable, and debated by the Senat.

33. THAT in all caſes wherin Power is deriv'd to the Senat by Law made, or by Act of Parlament, the reſult of the Senat be ultimat: That

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That in all caſes of Law to be made, or not already provided for by Act of Parlament, as ſom particular Peace or War, levy of Men or Mony, or the like, the Reſult of the Senat be not ultimat, but preparatory only, and be propos'd by the Senat to the Prerogative Tribe, or Aſſembly of the People, except only in caſes of ſuch ſpeed or ſecrecy, wherin the Senat ſhall judg the neceſſary ſlowneſs or openneſs of like proceding to be of detriment or danger to the Commonwealth.

34. THAT if upon the motion or propoſition of a Council, or Propoſer General, the Senat add nine Knights, promiſcuouſly or not promiſcuouſly choſen out of their own number, to the Council of War, the ſaid Council of War be therby made Dictator, and have power of Life and Death, as alſo to enact Laws in all caſes of ſpeed or ſecrecy, for and during the term of three months and no longer, except upon new Order from the Senat: And that all Laws enacted by the Dictator, be good and valid for the term of one year, and no longer, except the ſame be propos'd by the Senat, and reſolv'd by the People.

35. THAT the Burgeſſes of the annual Election return'd by the Tribes, enter into the Prerogative Tribe on Monday next inſuing the laſt of *March*; and that the like number of Burgeſſes whoſe term is expir'd, recede at the ſame time. That the Burgeſſes thus enter'd, elect to themſelves out of their own number two of the Horſe, one to be Captain, and the other to be Cornet of the ſame; and two of the Foot, one to be Captain, the other to be Inſign of the ſame, each for the term of three years. That theſe Officers being thus elected, the whole Tribe or Aſſembly procede to the election of four annual Magiſtrats, two out of the Foot to be Tribuns of the Foot, and two out of the Horſe to be Tribuns of the Horſe. That the Tribuns be Commanders in chief of this Tribe ſo far as it is a Military Body, and Preſidents of the ſame as it is a Civil Aſſembly. And laſtly, that this whole Tribe be paid weekly as follows: to each of the Tribuns of the Horſe ſeven pounds, to each of the Tribuns of the Foot ſix pounds; to each of the Captains of Horſe five Pounds, to each of the Captains of Foot four pounds; to each of the Cornets three pounds, to each of the Inſigns two pounds ſeven ſhillings; to every Horſeman one pound ten Shillings, and to every one of the Foot one pound.

36. THAT inferior Officers, as Captains, Cornets, Inſigns, be only for the Military Diſciplin of the Tribe. That the Tribuns have Seſſion in the Senat without Suffrage: That of courſe they have Seſſion and Suffrage in the Dictatorian Council, ſo often as it is created by the Senat. That in all caſes to be adjudg'd by the People they be Preſidents of the Court or Judicatory.

37. THAT Peculat or Defraudation of the Public, and all Caſes or Crimes tending to the ſubverſion of the Government, be triable by the Prerogative Tribe or the Aſſembly of the People; and that to the ſame there ly an Appeal in all Cauſes, and from all Courts, Magiſtrats, or Councils, National and Provincial.

38. THAT the right of Debate, as alſo of propoſing to the People, be wholly and only in the Senat, without any power at all of Reſult not deriv'd from the People, and eſtated upon the Senat by act of Parlament.

39. THAT the power of Reſult be wholly and only in the People, without any right at all of Debate.

40. THAT

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40. THAT the Senat having debated and agreed upon a Law to be propos'd, cauſe promulgation of the ſaid Law to be made for the ſpace of ſix weeks before Propoſition; that is, cauſe the Law to be written fair, and hung up for the time aforeſaid in ſom of the moſt eminent places of the City, and of the Suburbs.

41. THAT promulgation being made, the Signory demand of the Tribuns ſitting in the Senat, an Aſſembly of the People. That the Tribuns upon ſuch demand of the Signory, or of the Senat, be oblig'd to aſſemble the Prerogative Tribe in Arms by ſound of Trumpet, with Drums beating, and Colors flying, in any Town, Field, or Marketplace, being not above ſix miles diſtant, upon the day, and at the hour appointed, except the meeting, thro inconvenience of the Weather, or the like, be prorogu'd by conſent of the Signory and of the Tribuns. That the Prerogative Tribe being aſſembl'd accordingly, the Senat propoſe to them by two or more of the Senatorian Magiſtrats therto appointed, at the firſt Promulgation of the Law. That the Propoſers for the Senat open to the People the occaſion, motives, and reaſons of the Senat for the Law to be propos'd; and that the ſame being don, they put the Law or Propoſition by diſtinct clauſes to the Ballot of the People. That if any material Clauſe or Clauſes of the Propoſition, or Law ſo propos'd, be rejected by the People, the Clauſe or Clauſes ſo rejected may be review'd, alter'd, and propos'd again to the third time, if the Senat think fit, but no oftner.

42. THAT what is thus propos'd by the Senat, and reſolv'd by the People, be the Law of the Land, and no other, except what is already receiv'd as ſuch, or reſerv'd to the Dictatorian Council.

43. THAT every Magiſtracy, Office, or Election throout this whole Commonwealth, whether annual or triennial, be underſtood of courſe or conſequence to injoin an interval or vacation equal to the term of the ſame. That the Magiſtracy or Office of a Knight, and of a Burgeſs, be in this relation underſtood as one and the ſame; and that this Order regard only ſuch Elections as are National or Domeſtic, and not ſuch as are foren, or contain'd in the Provincial part of this Model.

44. THAT for an Exception from this Rule, where there is but one Elder of the Horſe in one and the ſame Pariſh, that Elder be eligible in the ſame without interval; and where there be above four Elders of the Horſe in one and the ſame Pariſh, there be not above half, nor under two of them eligible at the ſame Election.

45. THAT throout all the Aſſemblys and Councils of this Commonwealth, the *Quorum* conſiſt of one half in the time of health, and of one third part in a time of ſickneſs, being ſo declar'd by the Senat.

THE uſe of the Ballot, being as full of prolixity and abſtruſeneſs in writing, as of diſpatch and facility in practice, is preſum'd throout all Elections and Reſults in this Model, and for the reſt reſerv'd rather to practice than writing. There remain the Religious, Military and Provincial parts of this Frame: But the Civil part being approv'd, they follow, or being not approv'd, may be ſpar'd.

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CONCLUSION; or, the uſe of theſe PROPOSITIONS.

THESE Propoſitions are ſo laid out to debate or examination, that a man having the mind to weigh, diſcourſe upon, or object againſt this Model, may do it in the parts with the greateſt convenience.

ANY examination of, or objection againſt the whole, or any part in print or in writing, the Author holds himſelf bound to acknowlege or anſwer: But as to mere diſcourſe upon matters of this compaſs, it is uſually narrow; beſides that in writing a man muſt put himſelf upon better aim than he can be oblig'd to take in diſcourſe.

ANY one objection lying in writing againſt any one Order in this part of the Model, after ſuch manner as to ſhew that the Part or Order ſo invaded ought to be expung'd, alter'd, or amended, unleſs it may be expung'd, alter'd, or amended accordingly, deſtroys the whole.

AND any one or more Objections ſo lying againſt any one or more of theſe Orders or Propoſitions, that therby they may be expung'd, alter'd or amended, muſt in the whole or in part make a better Model.

IN this caſe therfore, or in caſe no Objection lys, the uſe of theſe Propoſitions will be ſuch as therby any Man or any Aſſembly of men, conſidering or debating upon them in order, may find or make a true Model of a well order'd Commonwealth.

AND that an Aſſembly can never make or frame a Model of any Government otherwiſe than in ſom ſuch manner, is probable firſt by a demonſtration from the effect; and ſecondly by a demonſtration from the cauſe.

THE demonſtration from the Effect is, that an Aſſembly no otherwiſe frames a Law or Order, than by having it firſt pen'd by ſom one man, and then judging upon it; and the Model of a Commonwealth muſt conſiſt of many Laws or Orders.

THE demonſtration from the Cauſe is, that wheras Reaſon conſiſts of two parts, the one Invention, and the other Judgment, a Man may be as far beyond any Aſſembly for Invention, as any Aſſembly can be beyond a Man for Judgment; or which is more, that the formation of a Model of Government requires a ſtrong faculty of Invention, and that an Aſſembly is naturally void of all manner of Invention.

Nov. 13.
1658.

THE

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THE

Ways and Means

Wherby an Equal and Lasting

COMMONWEALTH

May be suddenly introduc'd, and perfectly founded, with the free Consent and actual Confirmation of the Whole People of *England*.

Scire tuum nihil est, nisi te scire hoc sciat alter. Pers.

A WORD fitly spoken is like Apples of Gold in Pictures of Silver.

THE Desire of the People of *England* now runs strongly to have a Free Parlament.

LET there be a free Parlament.

TO the end that the People may be most equally represented, or that the Parlament may be Freest,

LET there be a new Division of *England* and *Wales*, with as much equality as may stand with convenience, into fifty Shires.

LET every Shire elect annually two Knights to be of one House, and seven Deputys to be of another House of Parlament, for the term of three years. For the first year only, let the Deputys in each Division be elected triple, that is, seven for the term of one year, seven for the term of two years, and seven for the term of three years. The like for the Knights, save only that the present Parlament remain; that is, let two Knights in each Division be elected the first year only for the term of one year, two other Knights at the same time for the term of two years; and let the present Parlament be the triennial part of the Knights House for the first Election.

THE House of Knights and the House of Deputys being assembl'd, let the House of Knights debate and propose.

LET what is propos'd by the House of Knights, be promulgated for the space of six weeks.

PROMULGATION being thus made, let the House of Deputys meet, and give their Result upon the Proposition.

LET what was thus propos'd by the Senat or House of Knights, and resolv'd by the People or House of Deputys, be the Law.

IN this Constitution these Councils must of necessity contain the Wisdom, and the Interest of the Nation.

IN this method, Debate must of necessity be mature.

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IF it be according to the Wiſdom and the Intereſt of the Nation upon mature debate that there be a King, let there be a King.

IF it be according to the Wiſdom and the Intereſt of the Nation upon mature debate, that there be a Commonwealth; two Aſſemblys in this Order are actually a Commonwealth, and ſo far a well order'd Commonwealth, that they are capacitated and inclin'd to teach to themſelves whatever furniture ſhall be further neceſſary in more particular Orders, which alſo is at hand.

TILL this or the like be don, the Line of the late King and the People muſt be fellowſufferers; in which caſe the impatience of the People muſt be for the reſtitution of that Line at all adventures.

BUT this or the like being once don, immediatly the Line of the late King and the People becom Rivals, in which caſe they will never reſtore Monarchy.

WILL never, may ſom ſay? But if the Senat and the Popular Aſſembly be both Royaliſts, they both will and can reſtore Monarchy.

THO both Royaliſts, they neither will nor can: for let them, that look no further than home or ſelf, ſay what they will, to affirm that a Senat, and a Popular Aſſembly thus conſtituted can procreat Monarchy, is to affirm that a Horſe and a Mare can generat a Cat: that Wheat being rightly ſown may com up Peaſe; or that a River in its natural channel may run upwards.

IN the preſent caſe of *England*, Commonwealthſmen may fail thro want of Art, but Royaliſts muſt fail thro want of Matter; the former may miſs thro impotence, the latter muſt thro impoſſibility. Or where the State is purely popular, that is, not overbalanc'd by a Lord or Lords; let there be one Example, or one Reaſon given that there is, was, or ever can be Monarchy. There will be this when all fails, for the aftergame, tho the Work ſhould fall, as is like enough, into the hands of Royaliſts.

CERTAIN it is, that where any privat Citizen or Freeman might not (ſom way or other) propoſe, there never was a well order'd Commonwealth.

UPON this incouragement I offer'd this Paper to good hands, but it was (according to cuſtom) thrown after me.

SO it went in the Protector's time, in every Revolution ſince, *La fortuna accieca gli ănimi de gli huomini*; but that is Atheiſm, that's MACHIAVEL.

WELL, but now ſays the Protectorian Family, O that we had ſet up the equal Commonwealth! So ſay broken Parlaments and Stateſmen; ſo ſay the ſadly miſtaken Sectarys; ſo ſay the caſhier'd Officers; ſo ſays he that would have no nay, but Oligarchy was a good word; and ſo will more ſay after theſe, except they learn to ſay after another, *aut reges non exigendi fuerunt, aut plebi re, non verbo, danda libertas*; either the Kings ought not to have bin driven out, or the People to have their Liberty not in word, but in deed: but that is Heatheniſm, that's CICERO; well this is *Chriſtian*, if there will be no ſuch ſaying, I would there might be no ſwearing.

Feb. 6. 1659.

THE

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THE HUMBLE PETITION OF DIVERS Well affected Persons,

Deliver'd the 6th day of *July*, 1659,

With the PARLAMENT's Answer therto.

TO THE SUPREME AUTHORITY, THE Parlament of the Commonwealth of *England*;

The Humble Petition of divers well affected Persons,

SHEWS,

THAT your Petitioners have for many years observ'd the breathings and longings of this Nation after Rest and Settlement, and that upon mistaken grounds they have bin ready even to sacrifice and yield up part of their own undoubted right, to follow after an appearance of it.

AND your Petitioners do daily see the bad effects of long continu'd Distractions, in the ruins and decays of Trade foren and domestic: and in the advantages that are taken to make Confederacys to involve the Nation in Blood and Confusion, under pretence of procuring a Settlement.

THAT it has bin the practice of all Nations, on the Subversion of any form of Government, to provide immediatly a new Constitution suitable to their condition; with certain Successions and Descents, that so both their Lawgivers and Magistrats might use their several Trusts, according to the establish'd Constitution; and the People's minds be settl'd secure, and free from attemts of introducing several forms of Government, according to the variety of their Fancys, or corrupt Interests.

THAT God has preserv'd this Nation wonderfully without example many years, since the dissolution of the old form of Government by King, Lords and Commons; there having bin no fundamental Constitutions of any kind duly settl'd, nor any certain Succession provided

vided for the Legiſlative Power; but even at this inſtant, if by any ſudden ſickneſs, deſign, or force, any conſiderable numbers of your Perſons ſhould be render'd incapable of meeting in Parlament, the Commonwealth were without form of ſucceſſive Legiſlature or Magiſtracy, and left to the mercy of the ſtrongeſt Faction. Yet we have reaſon to remember in theſe years of unſettlement, the inexpreſſible ſufferings of this Nation in their Strength, Wealth, Honor, Liberty, and all things conducing to their well-being; and we have like reaſon now ſadly to apprehend the impending ruin. And we cannot diſcern a poſſibility of your Honors unanimous and expeditious proceedings towards our Country's preſervation, and relief from its heavy preſſures, while your minds are not ſettl'd in any known Conſtitution of Government or fundamental Orders; according to which, all Laws ſhould be made: but divers or contrary Intereſts may be proſecuted on different apprehenſions of the Juſtice and Prudence of different forms of Government, tho all with good intentions.

YOUR Petitioners therfore conceiving no remedy ſo effectual againſt the preſent Dangers, as the ſettlement of the Peoples minds, and putting them into actual ſecurity of their Propertys and Libertys, by a due eſtabliſhment of the Conſtitution under which they may evidently apprehend their certain enjoyment of them; and therupon, a return of their Trade and free Commerce, without thoſe continual fears that make ſuch frequent ſtops in Trade, to the ruin of thouſands.

AND yaur Petitioners alſo obſeving, that the Intereſt of the late King's Son is cry'd up, and promoted daily, upon pretence, that there will be nothing but Confuſion and Tyranny, till he com to govern; and that ſuch as declare for a Commonwealth, are for Anarchy and Confuſion, and can never agree among themſelves, what they would have.

UPON ſerious thoughts of the Premiſes, your Petitioners do preſume with all humility, and ſubmiſſion to your Wiſdom, to offer to your Honors their Principles and Propoſals concerning the Government of this Nation: Wherupon, they humbly conceive, a juſt and prudent Government ought to be eſtabliſh'd, viz.

1. THAT the Conſtitution of the Civil Government of *England* by King, Lords, and Commons, being diſſolv'd, whatever new Conſtitution of Government can be made or ſettl'd according to any rule of Righteouſneſs, it can be no other than a wiſe Order or Method, into which the free People's Deputys ſhall be form'd for the making of their Laws, and taking care for their common Safety and welfare in the execution of them: For, the exerciſe of all juſt Authority over a free People, ought (under God) to ariſe from their own Conſent.

2. THAT the Government of a free People ought to be ſo ſettl'd, that the Governors and Govern'd may have the ſame Intereſt in preſerving the Government, and each other's Propertys and Libertys reſpectively; that being the only ſure foundation of a Commonwealth's Unity, Peace, Strength, and Proſperity.

3. THAT

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3. THAT there cannot be a Union of the Intereſts of a whole Nation in the Government, where thoſe who ſhall ſomtimes govern, be not alſo ſomtimes in the condition of the Govern'd; otherwiſe the Governors will not be in a capacity to feel the weight of the Government, nor the Govern'd to injoy the advantages of it: And then it will be the intereſt of the major part to deſtroy the Government, as much as it will be the intereſt of the minor part to preſerve it.

4. THAT there is no ſecurity that the Supreme Authority ſhall not fall into Factions, and be led by their privat Intereſt to keep themſelves always in power, and direct the Government to their privat advantages, if that Supreme Authority be ſettl'd in any ſingle Aſſembly whatſoever, that ſhall have the intire power of propounding, debating and reſolving Laws.

5. THAT the Soverain Authority in every Government, of what kind ſoever, ought to be certain in its perpetual Succeſſions, Revolutions, or Deſcents; and without poſſibility (by the judgment of human Prudence) of a death or failure of its being, becauſe the whole form of the Government is diſſolv'd if that ſhould happen, and the People in the utmoſt imminent danger of an abſolute Tyranny, or a War among themſelves, or Rapin and Confuſion. And therfore where the Government is Popular, the Aſſemblys in whom reſide the Supreme Authority, ought never to dy or diſſolve, tho the Perſons be annually changing: neither ought they to truſt the Soverain care of the ſtrength and ſafety of the People out of their own hands, by allowing a Vacation to themſelves, leſt thoſe that ſhould be truſted be in love with ſuch great Authority, and aſpire to be their Maſters, or elſe fear an Account, and ſeek the diſſolution of the Commonwealth to avoid it.

6. THAT it ought to be declar'd as a Fundamental Order in the Conſtitution of this Commonwealth, that the Parlament being the Supreme Legiſlative Power, is intended only for the exerciſe of all thoſe Acts of Authority that are proper and peculiar to the Legiſlative Power; and to provide for a Magiſtracy, to whom ſhould appertain the whole Executive Power of the Laws: and no Caſe either Civil or Criminal to be judg'd in Parlament, ſaving that the laſt Appeals in all Caſes, where Appeals ſhall be thought fit to be admitted, be only to the Popular Aſſembly; and alſo that to them be refer'd the Judgment of all Magiſtrats in Caſes of Maladminiſtrations in their Offices.

AND in proſecution of theſe Principles,

YOUR Petitioners humbly propoſe for the ſettlement of this Commonwealth, that it be ordain'd,

1. *THAT the Parlament or the ſupreme Authority of* England, *be choſen by the free People, to repreſent them with as much equality as may be.*

2. *THAT a Parlament of* England *ſhall conſiſt of two Aſſemblys, the leſſer of about three hundred, in whom ſhall reſide the intire power of conſulting, debating, and propounding Laws: the other, to conſiſt of a far greater number, in whom ſhall reſt the ſole power of reſolving all Laws ſo propounded.*

3. *THAT*

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3. *THAT the free People of* England, *in their reſpective diviſions at certain days and places appointed, ſhall for ever annually chuſe one third part to each Aſſembly, to enter into their Authority, at certain days appointed: the ſame days, the Authority of a third of each of the ſaid Aſſemblys to ceaſe, only in the laying the firſt Foundation in this Commonwealth's Conſtitution: the whole number of both the Aſſemblys to be choſen by the People reſpectively,* viz. *one third of each Aſſembly to be choſen for one year, one third for two years, and one third for three years.*

4. *THAT ſuch as ſhall be choſen, having ſerv'd their appointed time in either of the ſaid Aſſemblys of Parlament, ſhall not be capable to ſerve in the ſame Aſſembly during ſom convenient interval or vacation.*

5. *THAT the Legiſlative Power do wholly refer the execution of the Laws to the Magiſtracy, according to the ſixth Principle herein mention'd.*

6. *THAT in reſpect to Religion and Chriſtian Liberty, it be ordain'd that the Chriſtian Religion by the appointment of all ſucceding Parlaments, be taught, and promulgated to the Nation, and public Preachers therof maintain'd: and that all that ſhall profeſs the ſaid Religion, tho of different Perſuaſions in parts of the Doctrin, or Diſciplin therof, be equally protected in the peaceable profeſſion, and public exerciſe of the ſame; and be equally capable of all Elections, Magiſtracys, Preferments in the Commonwealth, according to the order of the ſame. Provided always, that the public exerciſe of no Religion contrary to Chriſtianity be tolerated; nor the public exerciſe of any Religion, tho profeſſedly Chriſtian, grounded upon, or incorporated into the Intereſt of any Foren State or Prince.*

THESE your Petitioners humbly conceive to be the Eſſentials of the form of a free Commonwealth, which if they were made fit for practice by your Honors appointing the numbers, times, places, and all other neceſſary Circumſtances, and ſettl'd as the fundamental Orders of the Commonwealth, would naturally diſpoſe thoſe that ſhould hereafter be choſen into the Parlaments, from the love of their own intereſt to ſeek the common good, being oblig'd by the Conſtitutions here humbly offer'd to partake with the whole body of the People, of the good or evil that ſhall happen to the Commonwealth, having no probable temtations or means left to compaſs any privat or factious ends in matters Religious or Civil. And your Petitioners cannot imagin a greater ſecurity for the Cauſe and Intereſt contended for with ſuch effuſion of Blood, than by diſpoſing the free People into this kind of order, wherby the ſame Cauſe would becom their common Intereſt. Yet if your Honors ſhould think it neceſſary or convenient for ſecuring the minds of ſuch as are doubtful and jealous that the People may betray their own Libertys, there may be inſerted into the fundamental Orders of the Commonwealth, theſe following Expedients, *viz.*

1. THAT for ſecuring the Government of this Commonwealth, and of the Religious and Civil freedom of the good People therof, it may be for ever eſteem'd and judg'd Treaſon againſt the Commonwealth, for any Member of either Aſſembly of Parlament, or any other perſon whatſoever, to move or propoſe in either of the ſaid Aſſemblys, the reſtitution of Kingly Government, or the introduction of any ſingle Perſon to be chief Magiſtrat of *England*, or the alteration of that part of the fundamental Order herein contain'd that

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concerns the equal Freedom and Protection of religious Perſons of different Perſuaſions.

2. THAT about the number of twelve Perſons of the moſt undoubted Fidelity and Integrity may be authoriz'd and impower'd, for ſome certain number of Years next enſuing, to ſeize, apprehend, and in ſafe Cuſtody to detain any Perſon or Perſons whatſoever, till he or they be in due Form of Law deliver'd, as is hereafter ſpecify'd, that ſhall move or propoſe in either of the ſaid Aſſemblies of Parliament the Reſtitution of Kingly Government, or the Introduction of any ſingle Perſon to be chief Magiſtrate of this Commonwealth, or the Alteration of that part of the fundamental Order herein contain'd, that concerns the equal Freedom and Protection of religious Perſons of different Perſuaſions; but for no other Matter or Cauſe whatſoever. And when it ſhall happen, that any Perſon or Perſons ſhall be arreſted or ſeiz'd for any of the Cauſes aforeſaid, in manner aforeſaid, then a Commiſſion of Oyer and Terminer may iſſue forth in due Form of Law to the ſaid twelve, or any ſix of them, to proceed in due Form of Law, within one Month after the Apprehenſion of any ſuch Perſon or Perſons, to the Arraignment and publick Trial of every ſuch Perſon or Perſons; and upon the legal Conviction of him or them by the Teſtimony of two ſufficient Witneſſes of any of the Treaſons herein declar'd, to condemn to the pains of Death, and to cauſe the ſame Judgment to be duly executed: and the Keeper or Keepers of the Great Seal of *England* that ſhall be for the time being, may be authoriz'd and requir'd from time to time during the term of Years, to iſſue out Commiſſions to the ſaid twelve, or any ſix of them, authorizing them to proceed as aforeſaid.

AND if your Honours ſhall further judge it convenient, the fundamental Orders of the Government may be conſented to or ſubſcrib'd by the People themſelves, if their expreſs Pact ſhall be eſteem'd any additional Security; other Nations, upon the like occaſions of Expulſion of their Kings, having taken the Peoples Oaths againſt their returning: and the ſame may be proclaim'd as often as our Anceſtors provided for the proclaiming of *Magna Charta*; and any further Security alſo added, if any can be found among Men, that has a Foundation in Juſtice.

NOW your Petitioners having, with humble Submiſſion to your grave Wiſdoms, thus declar'd their Apprehenſions of the preſent Condition of this diſtracted Nation, and the only effectual means under God to prevent the impending Miſchiefs; They do muſt humbly pray,

THAT ſuch ſpeedy Conſiderations may be had of the Premiſes as the Condition of this Nation requires; and that ſuch a Method may be ſettled for the debating and conſulting about the Government, that your wiſe Reſults may be ſeaſonable for the healing all the Breaches of the Commonwealth, and eſtabliſhing the ſure Foundations of Freedom, Juſtice, Peace, and Unity.

And your Petitioners ſhall always pray, &c.

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Wednesday *July* the 6*th*, 1659.

THE House being inform'd, that divers Gentlemen were at the Door with a Petition, they were call'd in, and one of the Petitioners in behalf of himself and the rest said, We humbly present you a Petition, to which we might have had many thousand Hands, but the Matter rather deserves your serious Consideration than any public Attestation; and therefore we do humbly present it to this Honourable House. Which, after the Petitioners were withdrawn, was read, and was intitl'd, The humble Petition of divers well affected Persons.

Resolv'd,
THAT the Petitioners have the Thanks of the House.

THE Petitioners were again call'd in, and Mr. Speaker *gave them this Answer.*

Gentlemen,
THE House has read over your Petition, and find it without any private End, and only for the public Interest; and I am commanded to let you know, that it lies much upon them to make such a Settlement as may be most for the Good of Posterity: and they are about that Work, and intend to go forward with it with as much Expedition as may be. And for your parts, they have commanded me to give you Thanks; and in their Names I do give you the Thanks of this House accordingly.

Tho. St. Nicholas, *Clerc of the Parliament.*

APPENDIX,

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APPENDIX,

Containing all the

POLITICAL TRACTS

OF

JAMES HARRINGTON, Esq;

Omitted in

Mr. *TOLAND's* EDITION

OF HIS

WORKS.

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PIAN PIANO:

OR,

INTERCOURSE

BETWEEN

H. FERNE, D. D. and J. HARRINGTON, *Esq;*

Upon occasion of the Doctor's Censure of the COMMONWEALTH of *OCEANA.*

Sentit terra Deos, mutataq; sidera pondus
Quæsivêre suum. Petron. Sal.

EPISTLE to the READER.

READER,

I *Seldom talk with him that does not confute me, nor ever read that which did not confirm me: Wherefore if I be glad to take a Man in black and white, you will not blame me, or do not know that I have had an* University *about my Ears, without any Possibility left unto me whereby to defend my self, but this, in which you may imagine me speaking unto the Chair.*

Intercourse between H. FERNE, D. D. *and* JAMES HARRINGTON, *Esq; upon Occasion of the Doctor's Censure of the Commonwealth of* Oceana.

WHEN I had published my *Oceana*, one of my Sisters making good Provision of Copies, presented of them unto her Friends, as well to shew her Respect to them, as to know their Judgments of it. Among the rest being acquainted with Doctor *Ferne*, she sent him one, and soon after receiv'd this Answer.

MADAM,

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MADAM,

I Received a Book directed to me from your Ladyſhip, with Intimation I ſhould expreſs my Senſe of it. I acknowledge, Madam, the Favour you have done me in ſending it; but the Return you expect hath its Difficulties, the Book being now paſt the Preſs, and of ſuch an Argument, had I ſeen it before it was publick, I ſhould have ſaid it was not likely to pleaſe, &c. *But that is nothing to me; your Deſire, I ſuppoſe, is to know how I like it. I conceive your Ladyſhip is not ſo far a Stranger either to the Book which you ſent, or to me, whom you are pleaſed thus to own, but that you take me to be of a different Judgment from the Author in this his Form, whether concerning State or Church. And it may be your Ladyſhip did therefore call me to ſpeak, as one that would be leſs partial. Give me leave then, Madam, in plain Engliſh to ſay, that albeit the Author hath ſhewn good Sufficiency of Parts, and taken much Pains in order to his Deſign; yet I conceive, Firſt, that he is not a little miſtaken in thinking the Iſrael-Commonwealth or Government under* Moſes *ſo appliable unto his Purpoſe, as he would make it. Next, that when the Queſtion 'twixt his Form and the Monarchical is diſputed over and over again, Reaſon and Experience will ſtill plead for the latter. Nor can the Balance he pretends ſtand ſo ſteady in his Form, as in a well tempered Monarchy, by Reaſon the Temptation of advancing are more like to ſway with many in a Commonwealth, than with one,* &c. *in the height of Dignity. Next, when I conſider ſuch a Change by this Model from what was ever in,* &c. *and that the* Agragrian, *with ſome other levelling Orders, are the Laws of it, I ſhould think the Nature of Men was firſt to be new model'd, before they would be capable of this. Laſtly, what is ſaid in relation to the Church or Religion in the point of Government, Ordination, Excommunication, had better beſeemed* Leviathan, *and is below the Parts of this Gentleman, to retain and ſit down with thoſe little things, and poor Miſtakes, which the Ignorance or Wilfulneſs of many in theſe Days hath broached in way of Quarrel againſt the Church of* England. *And lamentable it is to ſee ſo many (eſpecially Gentlemen of good Parts) ſo opinionate, ſo boldly meddling in Matters of Religion, as if they had forgot, or did not underſtand their Article of the Catholick Church.*

MADAM, You ſee I have been plain in ſpeaking my Senſe, and hope you will think me therefore more fit to do you real Service, when you ſhall have Occaſion to command,

Nov. 4th, 1656.

MADAM,
Your humble Servant.

THE Doctor's Letter, though it be ſcandalous (for to charge a Writer of little things, poor Miſtakes, ſitting down by Ignorance, or Wilfulneſs, without Proof, is no better) was yet but private; and therefore I may be asked why I would make it publick? whereunto I anſwer, That what a Divine will have to be true, is no leſs publick than if it were printed; but more, for he will preach it; and preaching communicates unto more than can read. Alſo his preſent Doctrines are exceeding dangerous. For in Government, that is caſt upon Parliaments or popular Elections, as ours hath ever been and is, *to take wiſe Men, and underſtanding, and known among their Tribes*

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to be Rulers over them, hath ever (except where the People were not free in their Elections) been, and must ever be, the certain and infallible Consequence. Now wise Men, and understanding, and known among their Tribes, must needs be (at least for the greater Part) of that Rank, which we now call the Aristocracy or Gentlemen. Whence the Senate in every well ordered Commonwealth hath consisted of the Aristocracy or Gentry. And that the Senate ever had the supreme Authority, as well in Matters of Religion as State, is not only clear in all other popular Governments, but in the Old Testament; which also is confirmed by our Saviour in the New, *Matt.* xxiii. 2, 3. *The Scribes and Pharisees sit in Moses's Seat; and therefore whatsoever they bid you observe*, (both He and His Apostles observed the national Religion) *observe and do*; for the Liberty of Conscience or prophetick Right in the Commonwealth of *Israel*, as in others, was such, as by which Christianity, notwithstanding the national Religion, might grow. But *do not* (saith he) *after their Works, for they say and do not.* In their Enquiry after *John*, *Joh.* 1. they seem to imply or say, that if he were *that Prophet*, there was nothing in the Law why he might not introduce his *Baptism*; and therefore why he might not gather Churches, or instruct the People in his way. Nevertheless when they come to doing, they *kill the Prophets, and stone them.* This indeed Christ blameth, being the Abuse of their Power. But whereas the supreme Authority of the Senate, whether in Matters of Religion or State, is confirmed by all divine and human Prudence; and the Senate is the more peculiar Province of the Gentry; the Doctor saith that *Lamentable it is to see so many*, (not only Men of such Parts or Quality as the People in their Elections are not likely to look upon) *but especially Men of good Parts* (than which the People upon like Occasions have no other Refuge) *so opinionate, so boldly medling in Matters of Religion, as if they had forgot or did not understand their Article of the Catholick Church.* Now where-ever the Clergy have gained this Point, namely, that they are the Catholick Church, or that it is unlawful for Gentlemen, either in their private Capacity to discourse, or in their publick to propose, as well in the Matter of Church as State Government, neither Government nor Religion have failed to degenerate into mere Priest-craft. This especially was the Reason, why I wrote unto the Doctor as followeth.

SIR,

WHEREAS in a Letter of yours to one of my Sisters, I find your Judgment given vehemently against me, but merely positive, I conceive that both in the Matter and Manner of Delivery you have given me Right to desire, and laid Obligation upon your self to afford me your Reasons, which may be done (if you please) either by confuting my Book, or answering the Queries hereunto annexed; in either of which Ways, or any other, I am more than desirous to undertake you; and that for many Considerations, as your Abilities, the Safety (at least on your Part) in the Performance, the Importance of the Argument, the Seasonableness, and (however it came in your Mind to distrust it) the Welcomeness of such Discourse unto all Men of Ingenuity, both in Power and out of it, or whose Interest is not the mere Study of Parties, from which the freest since the late Troubles, that hath written in this Nature, is,

Nov. 17. 1656.

SIR,

Your humble Servant.

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The Queries I ſhall interweave with the Doctor's Anſwer unto each of them, returned unto me with this Preamble.

SIR,

I Received your Paper wherein you are pleaſed to propound Queries, and ſay an Obligation now lies upon me to render my Reaſons of diſſenting, or to anſwer the Interrogatories. But you muſt give me leave to ſay, the Obligation ſtill ariſeth from my Reſpect to my Lady and your ſelf, not from the Matter or Manner (as you ſeem to imply) of the delivering my former Judgment. For I could not conceive that by the Favour and Honour my Lady did me in ſending the Book, I had loſt my Freedom, and ſtood bound either to comply, or be challenged as an Adverſary to try out the Difference. Therefore upon the ſcore of Friendſhip and Civility, I have forced my ſelf in the midſt of many preſſing Occaſions, to give you this Account of my Thoughts in order to your Queries.

The Doctor hath written heretofore upon Politicks. Than this among the Occaſions or Subjects of writing, there is none of greater Moment. I am a Beginner in this Art, and have no Deſire to impoſe upon any Man; but if I cannot teach him, to learn of him. But my Senior in it contradicts me, and gives me no Reaſon. Now to contradict a Man, and give him no Reaſon, is to give him an Affront; and to demand Reaſon in ſuch a caſe, that is, for ſuch an Affront to ſend ſuch a Challenge, as provoketh unto no other Contention than that for Truth, being according unto Scripture, and not againſt Laws, concerns a Man's Honour and Right. Therefore it is in ſuch a caſe not of Courteſy, but the Devoir of him that gave the Affront to anſwer; which the Doctor having now done, I come into the Liſts or to the Queries, with his Anſwers and my Replies.

The firſt Query.

How much, or in what the Author of *Oceana* is miſtaken, to think the Commonwealth of the *Hebrews* appliable to his purpoſe.

The Doctor's Anſwer.

I Have reaſon ſtill to think and ſay, The Government or Commonwealth (as you call it) of the Hebrews, *was of all other leſs appliable to your Form, which ſuppoſes a Senate debating, propoſing, and the People reſolving, chooſing, as* page 15. *to which there was nothing like in that Government. You find indeed Princes and Heads of the Tribes, and may call them a Senate, and read of the Aſſemblies of the People, but without any ſuch Power or Authority; both of them receiving Laws by the Hand of* Moſes *without any Debate or Contradiction. And 'tis in a manner confeſſed,* page 18. *where you ſay, the Function of that Senate was executive only, the Laws being made by God. And if we look to the Inſtitution of the Seventy, we find it was upon the Advice of* Jethro, *and that not to be as a Council to* Moſes, *but as Under-Judges for his Eaſe in the Adminiſtration of the Laws; which rather ſuits with the Condi-*

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Condition of inferior Ministers of Justice under a Monarch, God's Vicegerent on Earth, as all Kings are in a more large Consideration, as Moses *was more specially in that Theocracy. Therefore I did not a little wonder at your Assertions and Inferences,* Pag. 16, and 17; *where you speak of their making God their King, their Power of rejecting and deposing him as their civil Magistrate. The Harshness of the Phrase may be mollified, but the Thing asserted I suppose cannot be defended;* viz.) *any such Power in the People to God-ward; your Inference also seems strange and infirm, that they had Power to have rejected any of those Laws. What you assert in the* 17. Page *of all the Laws given by Covenant, is true in a sober Sense, but the Inference strange, that only which was resolved (or chosen) by the People of* Israel *was their Law. This is so far from good Logick, that it falls short of good Divinity; for it must suppose God and the People on equal Terms at their entring that Covenant; whereas God often (especially in* Deut.) *shews his Right of commanding, and enforces their Obedience to his Commands upon the antecedent Obligations; his being the Lord their God, his chusing them out of all Nations to be a peculiar People, his bringing them out of the Land of* Egypt. *Much more might be said to shew these Instances of the People receiving Laws from God (in which they were only passive) are far from proving any Power in the People as to God-ward, or from concluding generally the Power in the People of resolving and chusing Laws; and therefore this Commonwealth of* Israel *not applicable to your Purpose.*

REPLY.

IN my Book I call the Government, whereupon we are disputing, the Commonwealth of *Israel*; but though I think I did not much amiss, I am the first that ever called it so, and make no Difficulty in your first Letter to speak after me. But when I come to call it, as all they do that have written upon it, then you begin to doubt, and it is *the Commonwealth (as I call it) of the Hebrews*, whence you will be more than suspected, not to have read any of those Authors. And yet how confidently it is laid to me in your first Letter, that *I am not a little mistaken in thinking the Israelitish Commonwealth or Government under* Moses *to be so applicable to my Purpose, as I would make it?* Nevertheless when you come in Answer to this Query to give your Reasons, you bring this for one, that *Page* 18, *I say the Function of the Senate was only executive, the Laws being made by God:* Where First, the Word *only* is not mine, but of your imposing. Secondly, when you should shew that I am mistaken in thinking the Commonwealth of *Israel* so applicable to my Purpose as I would make it, you shew that I make it no more applicable to my Purpose than it is: which is not fair, especially when I give you so clear a Reason, that albeit the Authority of proposing laws appertain unto every Senate, as such, yet the Laws of the Commonwealth of the Hebrews having been all made by an infallible Legislator, even God himself, the Senate had no Laws in the Beginning to propose, but came afterwards to propose, when those Laws given in the Beginning came to need Addition; for if you find the Kings upon such Occasions as *David*, 1 *Sam.* vii. 2. and *Hezekiah*, 2 *Chron.* xxx. proposing, and the People resolving, was this likely to have been introduced by them? or if the People had the Result in the Monarchy, must they not much more have had it in the Commonwealth? Wherefore the Authority of pro-

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poſing unto the People, as will better appear hereafter, was derived by the King from the Judge, by the Judge from the Sanhedrim, by the Sanhedrim from *Moſes*, and by *Moſes* from God: As (*Exod.* xix. 5.) where God giveth him Inſtructions for a Propoſition unto the People; *Thus ſhalt thou ſay unto the Houſe of* Jacob, *and tell the Children of* Iſrael, *ye have ſeen what I did unto the* Egyptians, *&c. Now therefore if you will obey my Voice indeed, and keep my Covenant, then you ſhall be unto me* a Kingdom of Prieſts: If you will (not whether you will or no) you ſhall be (which relates unto the future) unto me a Kingdom; that is, I will be your King. God having given theſe Inſtructions unto his ſole Legiſlator, *Moſes came* (accordingly) *and called for the Elders of the People, and laid before their Faces all theſe Words that the Lord had commanded him. And all the People anſwered together* (gave their Suffrage, Nemine contradicente) *and ſaid, All that the Lord hath ſpoken we will do: And* Moſes *returned the Words* (that is, the Suffrage, or Reſult) *of the People unto the Lord.* Wherefore God was King in *Iſrael* by Covenant, propoſed by Himſelf or his Servant *Moſes*, and reſolved by the People. Now that he was afterwards rejected by the People, when they choſe another King, *that he ſhould not reign over them*, 1 Sam. viii. 7. are his own Words. And if in theſe Words he ſhew plainly, that the People had Power to reject a Law that was not only propoſed unto them, but reſolved by them, then muſt it needs be included even in God's own Words, that the People muſt have had Power to have rejected any Thing that was propoſed, and not confirmed by them. And yet you tell me, *that this is ſo far from good Logick, that it falls ſhort of good Divinity.* And why? becauſe *it muſt ſuppoſe God and the People on equal Terms at their entring that Covenant.* Then that a King either cannot covenant, for Example, with his Chandler to ſerve him with Wax, or that the Chandler was upon equal Terms, or Hail-fellow well met with the King, at their entering that Covenant, comes up to good Divinity. Such is the Logick which you chop with me, for you are beyond my Underſtanding! But the honeſt Part of Logick I underſtand well enough, not to envy them that ſeem to have more.

For if by the Word *Terms* you underſtand the Conditions of the Covenant, it is fair: as to theſe indeed, the Parties covenanting are ſo far equal, that they may equally will or chooſe; elſe it were a Precept or Command, not a Covenant. But if by the Word *Terms* you underſtand the Dignity or Power of the Parties, it is not fair, but an Equivocation; for the Equality of the Parties in that Senſe is nothing at all unto the Equality of the Covenant: wherefore the Impiety you would fix upon me, is your own, and ariſeth from your Want of diſtinguiſhing between the Almighty Power of God, in which he is above all Things, and his infinite Love whereby he boweth the Heavens, and deſcendeth unto his poor Creatures. In the former Regard to talk of electing or depoſing God, *who is King, be the Heathen never ſo unquiet*, were, indeed, impious; but in the latter it is moſt certain, that He ruleth among no other than a conſenting, a reſolving, a willing People. Or tell me whether the Rein of God on the Neck of the *Turks* be the ſame with that in the Hearts of his Elect, or wherein conſiſts the Difference? Moreover to what I have ſaid, and more than what I have ſaid for the Debate that was in the Senat, and the Reſult that was in the People of *Iſrael*, *Grotius* hath ſummed up the

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the Talmudiſts in this Note upon the Tenth Verſe of Deut. xviii. *Notandum præterea ſcita Senatus nonnulla ſive legi interpretandæ ſive præmuniendæ facta evanuiſſe, non modo ſi Senatus ante receptum ubique morem ſententiam mutaſſet, verum etiam ſi vel ab initio Populus ea non ferret, vel irent in diſſuetudinem,* where there is nothing plainlier to be perceived than that Debate was in this Senate, and Reſult in this People: and you confeſs *what I aſſert in the 17th* Page *of all their Laws given by Covenant to be true in a ſober Senſe*; now the Senſe which I have ſhew'd you is that of all ſober Men. But can you ſhew me the Judgment of any ſober Man, that becauſe we find Princes and Heads of the Tribes, we may call them a Senate? Pray, how do you cut Twelve Princes into Seventy Elders, or where do you find them in the Senate? but this is nothing. *If we look to the Inſtitution of the Seventy, we find it,* ſay you, *to be upon the Advice of* Jethro. *We:* I pray you take it to yourſelf, or I appeal to him that ſhall compare *Exod.* xviii. with *Numb.* xi. whether this have been the Opinion of any ſober Man. *Moſes* in that of Exodus *hearkens unto the Voice of his Father-in-law,* Jethro the Prieſt of Midian: *making able Men out of* Iſrael, *Heads over the People, Rulers of Thouſands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens. And they judged the People at all Seaſons: the hard Cauſes they brought unto* Moſes, *but every ſmall Matter they judged themſelves.* Theſe were the *Jethronian* Prefectures, or the Courts afterwards conſiſting of Twenty three Judges that ſate in the Gates of every City. Never were they miſtaken before for the Sanhedrim or Seventy Elders, which came not to be inſtituted till afterwards in the 11th of *Numbers*, where *Moſes* while he ſtood alone, being as weary of the Recourſe had unto him from theſe Judicatories, as he was of that, before their Inſtitution, cries unto God, I *am not able to bear this People alone* (his Office of ſole Legiſlator) in which relation *Lycurgus* and *Solon* are as well and as properly called Kings, as he, who *was King* indeed *in Jeſurun*, Deut. xxxiii. 5. but no otherwiſe than they in their Commonwealths, that is to propoſe the Laws in his Form, *when the Heads of the People, and the Tribes of* Iſrael *were gathered together*, which was now almoſt accompliſhed. *Wherefore the Lord ſaid unto* Moſes, *Gather unto me ſeventy Elders of the Men of* Iſrael, *whom thou knoweſt to be Elders of the People, and Officers over them, and bring them unto the Tabernacle of the Congregation* (in which or in the Temple was ever after the Seſſion-Houſe of the Senate) *that they may ſtand there with thee.* If this be not enough, you may have a farther ſight of your great Miſtake, 2 *Chron.* xix. where at the Reſtitution of this Government in ſome Part by *Jehoſhaphat*, the Jethronian Counſels are ſet up *City by City:* But the Senate, or Seventy Elders with a *Moreover* in *Jeruſalem*; and that the Jethronian Courts are intimated in the *New Teſtament* by the Name of *the Judgment*, as the Sanhedrim by that of *the Council*, *Godwyn* the Schoolmaſter could have told you. But whereas nothing is more conſtantly delivered by all Authors, nor expreſs in Scripture, than that *Moſes* having inſtituted the Sanhedrim, ſtood from that Time forward no more alone, or was thenceforth but Prince of the Senate, which God appointed to ſtand with him; you ſay that he was a Monarch or ſtood alone. And whereas the Jethronian Prefectures henceforth brought all their difficult Caſes unto the Sanhedrim, in the Inſtitution of which Sanhedrim *Jethro* had

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no Hand; you ſay, that the Sanhedrim or Seventy Elders were inſtituted by *Jethro*. How *plain* would your *Engliſh* have been upon this Occaſion, if they had given it? whereas I ſhall ſay no more than that theſe are no *little Things nor poor Miſtakes*.

The Second Query.

In Caſe the Author's Form, and the Monarchical be or be not diſputed over and over again, what the Reaſon or Experience may be that remaineth, or may be thought to remain, for the Advantage of the latter?

The Doctor's Anſwer.

I Have not Time to diſpute the Two Forms, nor Will to make it my Study; but his Reaſon is cogent *for Monarchical, that in it there is one Chief; for Order is the main Concernment of Government, and Order is more perfected by reducing to Unity, or having ſtill one Chief in the Order. And this I mention the rather, becauſe as anciently the Romans, ſo you in your Model, are forced to betake you in Neceſſity to a Dictator, which undeniably evinces Monarchical Government the fitteſt for all Exigencies. Alſo becauſe God, to whom you ſeem to appeal* (Pag. 15.) *led his People* (Pſal. lxxvii. ult.) *by the Hand of* Moſes *and* Aaron; Moſes *Chief in the whole Government, and* Aaron *the Chief in the Prieſthood, and after* Moſes Joſhua; *and ſtill raiſed up ſingle Perſons to judge his People. Laſtly, becauſe the Duſt of Nature led your Form of Government, from Paternal (ſo it was at the Beginning or peopling of the World) unto Monarchical, as Families encreaſed into Nations.*

REPLY.

YOU in your Letter are poſitive that be the Two Forms never ſo often diſputed, the Advantage in Reaſon will remain to the Monarchical; but when you come to give your Reaſon, have not Time to diſpute the Buſineſs, nor Will to make it your Study; you will give a Man his Sentence, without Recourſe to the Law, and his Objections. Again, without taking Notice of his Anſwers, as in the Matter of Dictatorian Power, for which you ſay, Firſt, that one Perſon is fitteſt, and Secondly, that one Perſon being fitteſt for this one Thing, it undeniably evinces Monarchical Government the fitteſt for all Exigencies. Now granting the former were true, as I have ſhewed it to be falſe, and therefore choſen the *Venetian* Dictator, which conſiſteth not of one Man, rather than the *Roman*, which did; yet if one Man be fitteſt to be a Pilot, how doth it follow that that one Man is fitteſt for all Exigencies? Or if *Gideon* were fitteſt to be Judge or Dictator of *Iſrael*, that it was fitteſt (as the People deſired of him, *Judges* viii. 22.) *he ſhould rule over them, both He and his Son, and his Son's Son alſo?* And whereas you ſay *that God (unto whom I appeal) ſtill raiſed up ſingle Perſons to judge his People*; doth it follow that theſe Judges or Dictators were Monarchs, eſpecially when *Gideon* anſwers the People, *I will not rule over you, neither ſhall my Son rule over you; the Lord ſhall rule over you?* Or rather that Monarchical

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narchical Government even in the Time of the Judges was in this Commonwealth, to the Rejection of God? In which Place (to allude unto that in your Answer to the first Query, to which I have not yet reply'd,) it is plain also, that antecedent Obligations do not always imply Command, or enforce Obedience: for say the People unto *Gideon*, rule thou over us, *&c.* for thou hast delivered us from the Hand of *Midian*; yet neither did this oblige the People to choose, or *Gideon* to be chosen King.

THAT God led his People, Psal. lxxvii. *by the Hand of* Moses *and* Aaron, is right; but your Flourish upon it, where you say *Moses* Chief in the whole Government, and *Aaron* Chief in the Priesthood, withers; for the Place relateth unto the Times, (*Exod.* vii.) in which saith the Lord unto *Moses*, *See I have made thee a God to* Pharaoh, *and* Aaron *thy Brother shall be thy Prophet* (that is, thy Chaplain or Orator, for otherwise *there arose not a Prophet like* Moses *in* Israel,) and this was before the time that *Moses* made *Aaron* High-Priest. Nor after the Institution of the Sanhedrim, was the High-Priest other than subordinate unto it, whether in matter of Religion or State: nay, if he had given them just Cause, he might be whipt by the Law, as is affirmed by the Talmudists. This Senate was to stand, as hath been shewed, with *Moses*; therefore *Moses* from the Institution thereof, was no more than Prince or Archon of it, and General of the Commonwealth; in each of which Functions he was succeeded by *Joshua*. *And the People served the Lord all the Days of* Joshua, *and all the Days of the Elders that out-lived* Joshua, (*Judges* ii. 7.) But from this time forward you hear no more of the *Jethronian* Prefectures, that sate in the Gates of the Cities, nor of the Senate, as I take it, (being yet but studying this Commonwealth, in which it were a better Deed to aid, than mislead me) till the Restitution of it by *Jehoshaphat*, 2 *Chron.* xix. For after the Death of *Joshua*, and of the Elders of these Courts, the People of *Israel* mindless of the excellent Orders of their Commonwealth given by God, were so stupid, as to let both the Senate and the inferior Courts to fall. But a Commonwealth without the Senate must of natural Necessity degenerate into Anarchy. Wherefore the Nature of this Commonwealth throughout the Book of *Judges* was downright Anarchy. You have the Tribes without any Common Council or Deliberation leaguing one with another, and making War at their Fancy, as *Judges* i. 3. *Judah said unto* Simeon *his Brother*, *Come up with me into my Lot, that we may fight against the Canaanites*, &c. Whence (especially when there was no Judge neither) is that frequent Complaint throughout this Book, that in *those Days there was no King* (as Men of your Rank have rendered the Word, though in this Place it rather signifies *Suffes* Consul, or Dictator, as some of the Laity, that is of the Folks do affirm) *in Israel, but every one did that which was right in his own Eyes.* In this case of a Commonwealth there is no help but by Dictatorian Power, which God in the raising up of Judges did therefore indulge, appointing them ordinarily but *pro tempore*, or upon some, not upon all Exigencies. For *Judges* xx. the Congregation sentenceth the Tribe of *Benjamin*, decrees and manageth the War against them, without a Judge or Dictator. This Anarchy with the Confusion of it, by want of the Senate, especially when the Sons of *Samuel* grew corrupt and imperious through the long Rule of their Father, was the

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true Cauſe why the People choſe to have a King, and ſo fell into Monarchy, under which they fared worſe; for though there happened to come with a great deal of Coſt, as in the War with *Saul*, a *David* to be defended; yet by another War againſt his ambitious Son, and after him a *Solomon*, in the next Generation the Tribes rent in ſunder, and beſides the execrable Wickedneſs of the moſt of their Kings (the like whereunto was never known,) gave not over hewing one another, till *Iſrael* firſt, and then *Judah* fell into miſerable Captivity. And yet this is that Unity and Order which you celebrate, and the Argument for Monarchy muſt be *cogent*; which happens, becauſe you are reſolved not to theſe that the Unity of Government conſiſts in ſuch a Form, which no Man can have the Will, or having the Will can have the Power to diſturb, but caſt all upon the Unity of a Perſon, that may do what he liſt, running ſtill upon your Equivocations, as if Brethren could not live together in Unity, unleſs reduced to the Will of one Brother.

The Third Query.

Where there is or ever was a Monarchy upon a popular Balance, or that propoſed by the Author, but thoſe only of the *Hebrews*, and whether theſe were not the moſt infirm of all other?

The Doctor's Anſwer.

I Perceive not how it concerns any thing I ſaid, or the Cauſe in hand, as to any material Point. Only it ſeems to ſuppoſe the Monarchy of the Hebrews *to be in a popular Balance, which I cannot apprehend, unleſs becauſe they had a kind of Agrarian, their Land divided by Lot, which notwithſtanding left Place for a ſufficient Difference, and Exceſs in Dignity of Perſons, Bonds of Eſtates, Meaſure of Wealth and Riches.*

REPLY.

IN your Letter you ſay, *that the Balance I pretend cannot ſtand ſo ſteady in my Form, as in a well temper'd Monarchy*; and yet to the Query, where there is or ever was a Monarchy upon ſuch a Balance? you anſwer, *that you perceive not how it concerns any thing you ſaid, or the Cauſe in hand as to any material Point*, as if the Balance were of ſlight Concernment to a Government. And for the Monarchy of the *Hebrews* you ſay, *that you cannot apprehend it to have been upon a popular Balance.* But the Land of *Canaan* as it is computed by *Hecatæus Abderites* in *Joſephus* againſt *Appion*, contained three Millions of Acres; and they among whom it was divided, as appears *Numb.* i. 46. at the Cenſe of them taken by *Moſes* in *Mount Sinai*, amount unto 603550. Now if you allow them but four Acres a Man, it comes unto two Millions four hundred thouſand Acres, and upwards, by which means there could remain for *Joſhua*'s Lot, *Caleb*'s Portion, with the Princes of the Tribes, and the Patriarchs or Princes of Families, but a matter of five hundred thouſand Acres, which holdeth not

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not above a ſixth Part in the Balance with the People, and yet you will not apprehend, that this was a popular Balance. Why then it will be in vain to ſhew you the certain Conſequence, namely that the Monarchies of the *Hebrews*, being the only Governments of this Kind that ever were erected upon a popular Balance, were the moſt infirm and troubled of all others; that the cauſe why the Congregation that elected the former Kings were able to reject *Rehoboam*, was from the Power of the People, and the Power of the People from their *popular Agrarian*: and that the Cauſe why the Kings of *Iſrael* and *Judah*, while they had not foreign Wars, never gave over knocking out the Brains of the People, one againſt another, was, that having no monarchical Balance, or not ſuch a one as was ſufficient, whereupon ſafely to reſt themſelves in Peace, they were neceſſitated, as ſome Kings at this day, the Balance of whoſe Empire is broken, to make themſelves uſeful unto the People through their Danger, that ſo through the want of Order, they may ſubſiſt, according to the modern Maxim, by Confuſion and War; an Expedient ſufficiently practiſed to be well known.

The fourth Query.

Whether the Temptations of advancing did ſway more with the *Many* in the Commonwealth, than with the *Few* under the Monarchies of the *Hebrews*, that is, under the Kings of *Judah*, *Iſrael*, or the High Prieſts, when they came to be Princes? And whether other Story be not, as to this Query, conformable unto that of Scripture.

The Doctor's Anſwer.

WHether greater Temptations in the Hebrew Government before or after they had Kings, ſeems little material by comparing them to learn, and as little to your Purpoſe, till what you ſuppoſe be granted, viz. *that the Government before they had Kings, was in your Senſe a Commonwealth. But as for all Forms that have been popular, or ſhall be, ſtill the Temptations are the more powerful or dangerous, as to the change of Government. This put them upon an Inconvenience by often changing their Generals of Armies, and upon often baniſhing them, or any great Citizens, when their juſt Deſerts had made them honoured and beloved; and this I ſuppoſe puts you upon a Neceſſity in one Place of defending the Oſtraciſm as no Puniſhment, and the People of* Rome *as not ungrateful in baniſhing* Camillus.

REPLY.

IF to doubt whether *Iſrael* were a Commonwealth in my Senſe be excuſable in one that will take no notice of the Elders that ſtood with *Moſes*, nor why *Gideon* being a Judge refuſed nevertheleſs to be King; yet the League that was made between *Judah* and *Benjamin* in the firſt, and the Sentence that was given by the whole Congregation, with the War thereupon levied by the People only, without ſo much

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as a Judge or Dictator, in the laſt Chapter of the Book of *Judges*, evinces my Senſe, and that of all reaſonable Men. Wherefore the Compariſon deſired by me is plainly material; and your Evaſion a poor ſhift, below a Man of Parts, or Well-meaning.

FOR albeit *Iſrael* for the far greater time of the Commonwealth before the Kings was *Anarchy*, the moſt ſubject State of ſuch a Government unto Confuſion; yet abating the Conſpiracy of *Abimelech*, made King of the Men of *Sichem*, there was, as I remember, no Diſturbance from Ambition, nor ſtriving to be uppermoſt, of which, after the Kings, there was no End. For to omit *David*'s deſtroying of the Houſe of *Saul*, and reigning in his ſtead, as done with good Warrant; you have *Abſalom* levying War againſt his Father; *Jeroboam* an arrant Knave, breaking the Empire of *Rehoboam*, a hair-brain'd Fool in two Pieces, whence the Children of *Judah* turning *Sodomites*, (1 *Kings* xiv. 20.) and they of *Iſrael* Idolaters; you have *Baaſha* conſpiring againſt *Nadab* King of *Iſrael*, murdering him, deſtroying all the Poſterity of *Jeroboam*, and reigning in his ſtead: *Zimri*, Captain of the Chariots, ſerving *Aſa* the Son with the ſame Sauce, when he was drunk, killing all his kindred, that piſſed againſt the Wall, as *Baaſha* the Father had done *Nadab*, when, may chance, he was ſober; *Omri* hereupon made Captain by the People, and *Zimri* after he had reigned ſeven Days, burning himſelf; the People of *Iſrael* when *Zimri* was burnt, dividing into two Parts, one for *Omri*, and the other for *Tibni*, who is ſlain in the Diſpute; whereupon *Omri* out-does all the Tyrants that went before him, and when he has done, leaves *Ahab* his Son, the Heir of his Throne and Virtue. You have *Jehu* deſtroying the Family of *Ahab*, giving the Fleſh of *Jezebel* unto the Dogs, and receiving a pretty Preſent from thoſe of *Samaria*, ſeventy Heads of his Maſter's Sons in Baſkets. To *Aſa* and *Jehoſhaphat* of the Kings of *Judah* belongeth much Reverence; but the Wickedneſs of *Athaliah*, who upon the Death of her Son *Ahaziah*, that ſhe might reign, murdered all her Grand-children, but one ſtolen away, which was *Joaſh*, was repaid by that one in the like Coin, who alſo was ſlain by his Servants. So was his Son *Amaſiah* that reigned after him; and about the ſame time *Zachariah* King of *Iſrael*, by *Shallum*, who reigned in his ſtead, and *Shallum* was ſmitten by *Manaim*, who reigned in his ſtead, (*Battle Royal in Shoe-Lane*) *Pekahah* the Son of *Manahim* was ſmitten by *Pekah* one of his Captains, who reigned in his room; *Pekah* by *Hoſhea*, who having reigned nine Years in his ſtead, was carried by *Salmanezer* King of *Aſſyria* with the ten Tribes into Captivity. Will *Judah* take a warning? Yes, *Hezekiah*, the next, is a very good King, but *Manaſſeh* his Son, like the reſt, a Shedder of innocent Blood; to him ſucceedeth *Ammon*, Father's own Child, who is ſlain by his own Servants. *Joſiah* once again is a very good King; but *Jehoahaz*, that died by the Heels in *Egypt* deſerv'd his End, nor was *Jehoiakim* the Brother of the former, who became tributary unto *Pharaoh*, any better; in whoſe Reign and his Succeſſor *Zedechias* was *Judah* led into Captivity by *Nebuchadnezzar*, (*the common End of Battle Royal*) where I leave any Man to judge how far the Unity of a Perſon tends to the Unity of Government, and whether the *Temptations of advancing* (to uſe your Phraſe) were greater in the Commonwealth than in the Monarchies of the *Hebrews*. It were eaſy to ſhew, if you had not enough already, that the High-Prieſts when

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when they came to be Princes, were never a Barrel better Herring; whereas that there is no such Work in *Venice*, *Switz*, or *Holland*, you both know, and might, if you did not wink, as easily see. All is one, it is, for it is as you have said, nay, and more, *in all Forms that have been popular or shall be, still the Temptations are more powerful and dangerous as to the change of Government; this put them upon great inconveniences by often changing their Generals of Armies.* A Pound of Clergy, for which take an Ounce of Wisdom, in this Maxim evinced by *Machiavel: Prolongation of Magistracy is the Ruin of popular Government:* The not often changing their Generals or Dictators was the Bane of the Commonwealths both of *Rome* and of *Israel*, as by the Corruption of *Samuel*'s Sons (Mos that groweth not upon a rolling Stone) is apparent. And for the Banishment of Great Men, name me one that since those Governments were settled, had been banish'd from *Venice*, *Switz*, or *Holland*. The Examples in *Rome* are but two that can be objected by a rational Man in seven hundred Years, and I have answered those in my Book; for the *Ostracism*, though I hold it a foolish Law, yet where the People have not Prudence to found their Government upon an *Agrarian*, I shew'd you out of *Reason*, *Aristotle*, and Experience, that it is a shift they will be put to, whether a Punishment, or not; though no Man, that is versed in the *Greek* Story, can hold it to have been so esteem'd. M. Disc. B. 3. Ch. 24.

The fifth Query.

Whether Men, as they become richer or poorer, free or servile, be not of a different Genius, or become new model'd; and whether these things happen not as the Balance changes?

The Doctor's Answer.

SUCH sudden Changes of the Genius and Nature of Men, I leave to the Pipe of Orpheus, *or* Ovid's Metamorphosis.

REPLY.

A Pretty Jeer; but there is one in that Book *metamorphosed* into the Bird that cannot see by Day. Now, a Change that happens in the Revolution of one hundred and forty Years, is not sudden; but so long hath the Government in question been changing from *Aristocratical* to Popular. And if the Acts of popular Councils from that Time, have still been and be to this Hour more and more popular, the Genius of the People is as clear as the Day with the Alteration of it, in those Opinions you in your first Letter are pleased to call the *Ignorance or Wilfulness of these Days*, that since the Aristocratical Balance of the Clergy is gone, shake the Yoke of the Priest. *The Butcher sought his Knife, and had it in his Mouth.*

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The ſixth Query.

Whether Gentlemen have been more beholden unto Divines, or Men in Orders, or Divines more beholden unto Gentlemen, or ſuch as have not been in Orders, for the Knowlege which we have of the Commonwealth of the *Hebrews?* or who of each ſort have written beſt upon that Subject?

The Doctor's Anſwer.

COmpariſons being odious, I only ſay, Divines have cauſe to give learned Gentlemen their Due, and Thank for their Labours, but alſo cauſe to complain, when they are too bold with holy Things, not only with the Commonwealth of the Hebrews, *the Form that God then appointed, but alſo with the Government of the Chriſtian Church, the Form and Functions left by Chriſt and his Apoſtles, according to which the Church acted three hundred Years before the Civil Power became Chriſtian.*

REPLY.

DIVINES have Cauſe to complain, when Gentlemen are too bold with holy Things, as with the Commonwealth of the *Hebrews*; but if you aſk, who of each Sort have written beſt upon this Subject, *Compariſons are odious.* Here you can be modeſt; for no body hath written in this Kind, but *Carolus Sigonius, Buxtorfius, Cornelius Bertramus, Hugo Grotius, Selden,* and *Cunæus,* all which were Gentlemen, or ſuch as were not in Orders. Nor can it be gathered from any Thing now extant, that any Divine underſtood this Government. But if Divines cannot deal with this Government, and Gentlemen may not, how ſhould it be known? or if Divines underſtand not this, why do they meddle with others?

The Seventh Query.

What and how many be thoſe little Things, and poor Miſtakes, which the Author below a Gentleman of his Parts hath entertain'd?

The Doctor's Anſwer.

THOSE little Things and poor Miſtakes I confined to the Matters of the Church; for innovating wherin theſe latter Times make Exceptions againſt our Tranſlation, delight in ſome Notions of Words in Scripture, vent new Interpretations, make ſtrange Inferences, in which to reſt ſatisfy'd is below, &c. *Such* Page 16. *from Notion or Origination of* Eccleſia *to infer Democratical Government of the Church; and that Inference for the Right of gathering Churches now,* Page 28. *So after*

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after in the Model, what is said for the Notion of χειροτονεῖν *to the Prejudice of due Ordination, and the like.*

REPLY.

IN *Judges* xx. 2. the Civil Congregation of the Chief of all the Tribes of *Israel*, is called *Ecclesia Dei:* and not only *Greek* Writers, as particularly *Æschines*, use that Word for the *Assemblies* of the *People* in the *Grecian* Commonwealths, but *Luke* also speaking of the *People* of *Ephesus*, he saith, *Erat autem Ecclesia confusa:* wherfore this Word having been of this Use before the *Apostles*, and being applied by them unto their Convocations or Assemblies, there must needs have been some Reason, why they made Choice of this, rather than of any other. Now if the Reason had not been that they intended the Church to be *Democratical*, why would they borrow a Word that is of that Sense? or why should you think that they would give Names unto Things not according unto their Nature; seeing if they had intended it should have been *Aristocratical*, they might as well have taken the Word γερουσία or Senate? Wherefore, says *Calvin* the Lawyer, *Sumpserint Apostoli illud melius Nomen ad significandum Ecclesiam, ut ostenderent politiam Populi Dei esse quidem Democraticam*, &c. I have shewed you my Reasons, and given you my Testimony, and yet you that have neither, call this a *Notion*. Then for the *Chirotonia*, or holding up of Hands, it was the Way of giving Suffrage in some of those *popular Assemblies*, more particularly, that of *Athens*, and this Word the *Apostles* also came to borrow for the Suffrage of their Congregations, as in the *Greek*, *Acts* xiv. 23. where they use the Word χειροτονήσαντες, the same that was used by the *Athenians*, signifying holding up of Hands, or their Manner of Suffrage: but this the *English* Translators have left out, and where they should have render'd the Place, *and when they had ordained Elders, by the holding up of Hands in every Congregation*, they render it, *when they had ordain'd them Elders in every Church*. Now you, though you know this well enough, never lay any Blame upon the *Translators*, but with them that find Fault with the Translation, as if it were less Impiety in Divines to corrupt the Scriptures, than in others to vindicate them from Corruption. And this is another of those Things which you have the Confidence to call Notions, albeit in so doing you must needs sin against your own Conscience: but what is that to Interest? If this Place be restored, Ordination is restored unto the People; and so Divines losing it, there is an End of Priest-craft, as by telling the Story of this Invention, though in brief, will better appear; Ordination in the Commonwealth of *Israel* being primarily nothing else but Election of Magistrates, was performed by the Suffrage of the People or (as is shewn by the Talmudists upon *Numb.* xi. in *Eldad* and *Medad*) by the Ballot. Nor was it otherwise till the *Sanhedrim* got a Whim of their own, without any Precept of God, to ordain their Successors by the *Chirothesia* or Imposition of Hands, and the Parties being so ordained called *Presbyters*, became capable of being elected into the Judicatories, whereby cheating the People of the Right of electing their Magistrates, the *Sanhedrim* instituted the first Presbyterian Government; nevertheless this Form as to the Imposition of Hands, was not always held so necessary among the Jews but if the Party were absent it

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might be done by Letter, and ſomtimes, though he were preſent, it was done by Verſe or Charm only. But whereas the Senate, if not every Senator, by this Innovation had right to ordain; by *Hilel* High Prieſt and Prince of the *Sanhedrim*, who liv'd ſome three hundred Years before Chriſt, Means was found to get the whole Power into his Hand, which being of ſuch Conſequence, that no Magiſtrate could thenceforth be made but by the High Prieſt, it changed this ſame firſt Preſbytery, the High Prieſts becoming afterwards *Monarchs*, as I may ſay, into the firſt *Papacy*; for this Track was exactly trodden over again by the Chriſtians: firſt, to the Preſbytery, from thence to the Biſhop, and that by means of the ſame *Chirotheſia* or Impoſition of Hands taken up from the Jews, and out of this *Biſhop* ſtept up the *Pope*, and his Seventy Cardinals, anciently the *Preſbytery*, or Seventy Elders of *Rome*, in Imitation of thoſe of *Iſrael*. Moreover it is the Judgment of good Divines, as *Bullinger*, *Muſculus*, *P. Martyr*, *Luther* and *Melanchthon*, that this *Chirotheſia* or *Impoſition* of Hands is not neceſſary, for that the Apoſtles took up ſom Things from the Jews, as Community of Goods, which are not neceſſary, you will not deny: and if this were not of that Kind, then wherfore in the Place alledged, where the *Chirotonia*, Prayer and Faſting, as all Things neceſſary unto Ordination, are mention'd, is the *Chirotheſia* omitted even by the Apoſtles themſelves? Nor can you find that it was otherwiſe than ſparingly uſed by them in compariſon of the *Chirotonia* or Suffrage of the People; and perhaps there only, where the People had not the civil Right of any ſuch Suffrage, by which where it was, they ordained *Elders in every Church*. And in this Place comes that of your Anſwer unto the *7th Query*, Namely, *That the Church acted three hundred Years before the Civil Power became Chriſtian*, to be very queſtionable. For that *Tarſus* a City of *Cilicia* was ſo free, that *Paul*, being a Native thereof, claimeth the Right of a *Roman*, is clear in Scripture; nor is it more obſcure in Story, that the People in the Cities of *Lycia*, *Pamphylia*, *Lycaonia*, or *Cappadocia*, in which the *Apoſtle* ordain'd eccleſiaſtical Elders by the *Chirotonia* of the Church or Congregation, had not only the ancient Right but Cuſtom of electing their civil Elders in the ſame Manner. And where was the Neceſſity or Senſe, that the Apoſtles to convert them unto the Chriſtian Religion, ſhould go about to depoſe them, than which nothing could have cauſed a greater Jealouſy, Obſtruction or Scandal upon their Doctrine? But if the Apoſtles uſed the Words *Eccleſia* and *Chirotonia* in theſe Places, according unto the Right of the People, and the known Senſe, in which they had bin always taken, then acted not the Church three hundred Years nor half a hundred Years before the Civil Power became Chriſtian. And if the Biſhops, when the Emperors became Chriſtian, made no Bones of receiving their Mitres from the Civil Magiſtrate, they muſt have don ill, had they known or conceived that the Church in the pureſt Times had waved the Civil Magiſtracy. *Paul* arriving at *Athens* converts *Dionyſius* one of the Senators, and ſom others unto the Chriſtian Faith. Suppoſe he had converted the whole Senate and the People, what ſober Man can imagine, that he would have diſputed with the Congregation the Senſe of their former Name *Eccleſia*, or the Right of electing their new Elders by their old *Chirotonia* or Suffrage by holding up of Hands? But he converted but a few; wherfore as he had no Aid, ſo he had no Hindrance from the Magiſtrate. This, then, was a

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gather'd Church, I think, or what was it? If the *Prophets* in *Israel* went up and down preaching unto the People, by whom they were followed; and if ſom of theſe that were thus followed were true, and more of them falſe, the People that followed them could not be all of the ſame Perſuaſion, though it is like that no Man would follow ſuch an one as he was not perſuaded was true. But the People chooſing at their own Diſcretion whom they would follow, how could theſe Congregations be leſs gather'd than thoſe, when the People were divided into three Sects, *Phariſees*, *Sadduces*, and *Eſſeans*, which could be no other? Nor doth the *Sanhedrim*, though they had the Government of the national Religion, ſending unto *John* the *Baptiſt* (*John* xi. 25.) to know who he was, and why he baptized, refuſe him the like *Prophetic Right*, uſed by him firſt, and afterwards by our Saviour and the Apoſtles, without the Authority of the *Sanhedrim:* nor doth *Paul* blame the Congregations of *Apollos* and *Cephas* (1 *Cor.* i.) in that they were gather'd, but in that they put too much upon them that gathered them. How then doth it appear that my Inference for gathered Congregations *now*, is a little Thing or poor Miſtake, below a Gentleman of Parts; when I ſay no more, than that gather'd Congregations were in uſe both before and after Chriſt, notwithſtanding the National Religion that was then ſettled? and therfore gathered Congregations for any Thing in the Old or New Teſtament that I can find to the contrary, might be *now*, though a National Religion were ſettled. And if this be not true, the Teſtimony, which you bear in your preſent Practice, is againſt your ſelf; for what elſe are your Congregations *now*, that will uſe none other than the Common-prayer, but gathered?

TO conclude, it ſhould ſeem by you, that if the National Religion were ſo ſettled, that the meddling with holy Things by any other than a Divine, might be reſolv'd as boldly, and, to uſe a fine Word, opinionately done, as if it were againſt an Article of our Creed; you would be pleas'd. But the National Religion and the Liberty of Conſcience ſo ordain'd in *Oceana*, that neither the Intereſt of the Learned, nor the Ignorance of the Unlearned can corrupt Religion (in which Caſe though there might, yet there is no probability, that there would be any gathered Congregations, this being the peculiar Remedy for that which you hold a Diſeaſe) you are diſpleas'd: for thus you conclude.

SIR,

YOU ſee I have uſed Freedom again, it is like you will think too much; but I deſire you would allow me the Privilege of the old Saying, ſuo quiſque ſenſu abundet, *and not trouble your ſelf with interrogating me, from whom you can draw ſo little Satisfaction. I never made it my Study to model or ſhape out Forms of Government, but to yield Obedience to every lawful Command proceding from Authority, how perfect, or otherwiſe the Form was. In a word, Sir, I honour your Parts, wiſh them imployed as may be moſt for the Service of God and his Church, and do promiſe myſelf in all friendly and Chriſtian Offices,*

SIR,

Your humble Servant,

H. FERNE.

Nov. 26. 1656.

To

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To which I ſay that

I Have not heard a Divine quote Scripture *(Quiſque ſuo ſenſu abundet)* as an old Saying; but you are not contented to do ſo only, but to uſe it accordingly; for wheras (*Rom.* xiv. 15.) it is indulged by the Apoſtles as to indifferent Things, this was never intended to be an Argument, that the Seventy Elders were erected upon the Advice of *Jethro*, that *Moſes* inſtituted a *Monarchy*, that *Gideon* was King of *Iſrael*, or indeed for any Thing that you have ſaid. And therefore however you call it interrogatory, it is civil enough in ſuch a Caſe to deſire better Reaſon; but do not fear that I ſhould give you any more in this Kind, nor had I at all, if wheras you confeſs in the Cloſe that you have not ſtudied theſe Things, you had but ſaid ſo much in the beginning, for there had been an End.

THIS Study indeed, as I have ſhewed elſewhere, is peculiar unto Gentlemen; but if it be of your Goodneſs that you ſtudy not to ſhape ſuch Work, muſt it ever be the Study of your Tribe to miſſhape it? Is it in ſuch leſs impiety to have ruin'd a Kingdom, than in any other to ſhew the true Principles of a Commonwealth? Or wheras the nature of the Politics, or ſuch Civil Power (witneſs the *Sanhedrim* of *Iſrael*) as cometh neareſt unto God's own Pattern, regards as well Religion as Government, and is receptible of Gentlemen; doth it follow that I have not laid out the beſt of my Parts in my Vocation, to the Service of God and his Church, becauſe you, in your pretended Zeal, have choſen to inſinuate the contrary by a Prayer? But he, unto whom you have addreſſed yourſelf, knoweth the Secrets of all Hearts. To him therefore I appeal, whether I have not ſought him in a Work of univerſal Charity; and whether one End of this preſent Writing be not, leſt you making Uſe of your great Authority thus to prejudice ſuch a Work, ſhould hurt them moſt, whom you love beſt; it being apparent unto any Man, that can ſee and underſtand the Balance of Government with the irreſiſtible Conſequence of the ſame, that by ſuch Time as the Vanity of Men's Ways ſhall have tried them a little more, it will be found that God in his infinite Goodneſs and Mercy, hath made that only poſſible for us, which is beſt for us all, moſt for the Good of Mankind, and his own Glory. And ſo notwithſtanding the Heat of our Diſpute, which ſo far as it hath not reſiſted nor exceeded Truth, cannot have been very ſinful or uncharitable, I do oblige myſelf in all the Deoirsof

London, Jan. 3. 1656.

SIR,

Your affectionate Friend,

and humble Servant,

JAMES HARRINGTON.

THE

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THE STUMBLING-BLOCK OF DISOBEDIENCE and REBELLION

Cunningly imputed by *P. H.* unto CALVIN, remov'd in a Letter to the ſaid *P. H.* from *J. H.*

Let no Man put a Stumbling-Block in his Brother's Way, Rom. xiv. 13.

SIR,

I Gave my Judgment upon your late book (that I mean againſt *Calvin*) in ſuch Manner among ſom Gentlemen, that they deſired me to write ſomething in Anſwer to it, which if there happen to be Need, I may. In the mean time it will, perhaps, be enough, if I acquaint you with as much as I have acquainted them. In this Book of yours you ſpeak ſome Things as a Politician only, others as a Politician and a Divine too. Now to repeat a few, and yet as many I think as are needful of each kind, I ſhall begin with the former.

The Riſe, Progreſs, and Period of the Commonwealth of *Lacedemon* is obſervable in Authors by theſe Steps.

1. The Inſufficiency of the Monarchy.
2. The Form of the Commonwealth.
3. An Infirmity in the Form, and a Cure of it.
4. The Corruption and Diſſolution of the Whole.

All which happened within the Compaſs of Eight hundred Years.

To the firſt you ſay, *That the Spartan Kings were as abſolute Monarchs as any in thoſe Times, till* Eurytion, *or* Eurypon, *to procure the Favour and Good-will of the Raſcal-rabble* (ſo you commonly call the People) *purchas'd nothing but the Loſs of Royalty, beſides an empty Name unto his Family, thence call'd the* Euripontidæ. P. 39, 40, 41.

It is true that *Plutarch* in the Life of *Lycurgus* ſays, That *Eurypon* was the firſt, who to obtain Favour with the People, let looſe the Reins of Government; and this he ſaith there without ſhewing any Neceſſity that lay upon the King ſo to do: nevertheleſs that ſuch Neceſſity there was, is apparent in *Agis*, where he affirmeth, That a King of *Lacedemon* could never come to be equal unto any other King, but only by introducing Equality among the People; foraſmuch as a Servant or Lieutenant of *Seleucus*, or *Ptolemy*, was worth more than ever were all the Kings of *Sparta* put together. Which latter Speech, if a Man conſider the Narrowneſs of the Laconic Territory, being but a Part of *Peloponneſus*, muſt needs evince the former Action to have been not ſo voluntary in *Eurypon*, as in Prudence unavoidable. But *Eurypon* having by this Means rather confeſſed the Infirmity of the Monarchy, than introduced any Cure of the Government, it re-

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mained that the People not yet brought under fit Orders muſt needs remain in Diſorders, as they did till the Inſtitution of the Commonwealth.

The Monarchy, that is or can be abſolute, muſt be founded upon an Army planted by Military Colonies upon the Overbalance of Land being in Dominion of the Prince; and in this Caſe there can neither be a Nobility, nor a People to gratify, at leaſt without ſhaking the Foundation, or diſobliging the Army. Wherefore the *Spartan* Kings having a Nobility or People to gratify, were not abſolute. It is true, you call the Kings of *France* abſolute; ſo do others, but it is known that in the whole World there is not a Nobility nor a People ſo frequently flying out or taking Arms againſt their Princes, as the Nobility and People of *France*.

The Monarch, that is founded upon a Nobility, or a Nobility and the People (as by the Riſe and Progreſs of the *Norman* Line in our Story is apparently neceſſary) muſt gratify the Nobility, or the Nobility and the People, with ſuch Laws and Libertys as are fit for them, or the Government (as we have known by Experience, is found in *France*, and no doubt was ſeen by *Eurypon*) becometh tyrannical, be the Prince otherwiſe never ſo good a Man.

Thus *Carilaus*, in whoſe reign the Commonwealth was inſtituted by *Lycurgus*, is generally affirmed to have been a good Man, and yet ſaid by *Ariſtotle* to have been a Tyrant. It remaineth therefore with you to ſhew how a good Man can otherwiſe be a Tyrant than by holding monarchical Government without a ſufficient Balance, or if you pleaſe, how he that ſhall undertake the like, be he never ſo good or well deſerving a Man, can be any other; or confeſs that not the Favour of Princes (by which if they be well balanced they loſe nothing) nor the Uſurpation of the People (by which without a popular Balance they get nothing) but the Infirmity of the Monarchy cauſed the Commonwealth of *Lacedemon*. And what leſs is ſaid by *Plutarch*, or thus rendered by yourſelf: *Not the People only ſent Meſſages to* Lycurgus *for his Counſel, but the Kings were as deſirous he ſhould return* p. 41. *from his Travels, in hopes that his Preſence would bridle and reſtrain the People: but* Lycurgus *applied not himſelf unto either, being reſolved to frame both into one Commonwealth.*

p. 43. To the Form of this Commonwealth, you ſay, *That whatever the Kings loſt, the People got little by this Alteration, being left out of all Imployment in Affairs of State, and forced to yield Obedience unto thirty Maſters, wheras before they had but two.*

A ſtrange Affirmation, ſeeing the Oracle containing the Model of *Lacedemon* is thus recorded by your Author, *When thou haſt divided the People into Tribes and Linages, thou ſhalt eſtabliſh the Senat, conſiſting with the two Kings of thirty Senators, and aſſemble the People as there ſhall be Occaſion, where the Senat ſhall propoſe and diſmiſs the People without ſuffering them to debate.* Now who ſeeth not that the People having no Right to debate, muſt therefore have had the Right to reſolve, or elſe were to be aſſembled for nothing? but the ultimate Reſult is the ſovereign Power in every Government. It is true, the Greek of the Oracle is obſolete, and abſtruſe; but then it is not only interpreted by *Plutarch* in the Senſe I have given, but by the Verſes of the Poet *Tyrteus*, which the Kings themſelves, tho they would have made other Uſe of, acknowledged unto the People to be authentick.

They

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They having of Apollo *ſought,*
This Oracle from Delphos *brought;*
Unto the Spartan Kings, among
The Senators, it doth belong
To moderate in royal Chairs,
And give their Votes in all Affairs;
And when they have propoſed theſe,
The People chooſe whatere they pleaſe.

Of many other Teſtimonies, I ſhall add no more than one out of *Iſocrates*; *I am not ignorant*, ſaith he, to the Areopagites, *that the* Lacedemonians *flouriſh for this Cauſe eſpecially, that their Government is popular.*

To the Infirmity of this Form, and the Cure of it you ſay, *That* P. 45. *the Royalty and Power of the Kings being thus impaired, the People abſolutely diſcharged from having any Hand at all in publick Government, and the Authority of the Senate growing every Day more inſolent and predominant, by reaſon that* (albeit the Senators were elected by the People) *they had their Places for Term of Life, the Kings reſolved upon a Courſe of putting the People into ſuch a Condition as might enable them to curb and controul the Senators, to which End they ordained the Ephori,* Magiſtrates to be annually choſen out of the Body of the People.

In which firſt you make that to be a Practice of the Kings againſt the Senate, which by your Author is plain to have been a Combination of the Kings, and the Senate againſt the People; for the People upon the Inſolency and Predominancy of the Kings and the Senate, fell, as is in that Caſe the inevitable Nature of them, upon Counſel how to defend themſelves, and ſo aſſumed the Power of Debate. Hereupon the Kings *Theopompus* and *Polidore* would have added unto the Tenor of the Oracle, that if the People went about by Debate to change the Propoſitions of the Senate, it ſhould be lawful for the Kings and the Senate to null the Reſult of the People; which practice, if it had paſt, muſt have made the Kings and the Senate altogether uncontroulable; wherefore the People incenſed at it, *put a Bit into the Mouth of the Senate, by the Inſtitution of the Ephori.* This is the clear Senſe of *Plutarch*, which he taketh out of *Plato*, who affirmeth the Ephorate to have been ſet up againſt the hereditary Power of the Kings; with whom agree both *Ariſtotle* and *Cicero*; the former affirming this Magiſtracy to contain the whole Commonwealth, inaſmuch as the People having obtained it, were quiet; and the latter that the Ephori in *Lacedemon* were ſo oppoſed to the Kings, as the Tribunes in *Rome* to the Conſuls. Now if other Authors attribute the Inſtitution of the Ephori unto the Kings, and there be a Story affirmed as well by *Plutarch* as others, that *Theopompus* having thus created the Ephori, and being told by his Queen he had done that which would leave narrower Power to his Children, anſwered well, that it would leave that which would be narrower, but longer: this is neither any Riddle nor kind of Contradiction to the former Senſe, ſeeing, when we ſay that *Henry* the Third inſtituted the Parliament to be aſſiſtant to him in his Government, we no more doubt of that, than how it is to be underſtood. Nor if his Queen had ſaid

De Leg. 3. *Pol. lib.* 2. *De Leg.* 3.

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as ſhe of *Lacedemon*, and our King had made the like Anſwer, would that have altered any thing, or proved the Woman to have been, as you will have it, the better Prophet, ſeeing either Government laſted longer for either Reformation, nor came to alter, but through the Alteration of the Balance, which was nothing to the Woman's Prophecy.

The Ruin of this Balance, and Corruption of the Commonwealth, you wholly omit, to the End, that picking up your Objections againſt the Government in Vigour, out of the Rubbiſh and Diſſolution of it you may caſt Duſt in Mens Eyes, or perſuade them *that the E-*
p 55. *phori truſting to the Power and Intereſt, they had in the Commonalty, came to uſurp upon the Kings, and to be Tyrants, as they are called by* Plato *and* Ariſtotle; ſo you affirm.

But the Truth is thus recorded by *Plutarch* in the Life of *Agis*. So ſoon as the *Lacedemonians* having ruined *Athens*, became full of Gold and Silver, the Commonwealth began to break. Nevertheleſs, the Lots or Diviſion of Lands made by *Lycurgus* yet remaining, the Equality of the Foundation held good, till *Epictetus* an ill-natured Fellow became Ephore, and having a mind to diſ-inherit his Son, got a Law to paſs, whereby any Man might diſpoſe of his Lot as he pleaſed. This by him purſued of mere Malice to his Son, was hurried on by the Avarice of others, whoſe Riches came thus to eat the People ſo clearly out of their Lands, that in a ſhort time there remained not above an hundred Freeholders in all *Sparta*. This he ſhews to have been the Riſe of the Oligarchy. The Oligarchy thus balanced totally excluded the People, and murther'd *Agis*, the firſt King that was ever put to death by the *Ephori*; and to theſe Times, about which *Plato* and *Ariſtotle* lived, relateth that Tyranny, which they, who, as was ſhewn, commended the *Ephorate* in the Commonwealth, now laid unto it in *Oligarchy*. Thus have you fetcht Arguments againſt a Commonwealth, that are nothing to it. Again, whereas *Agis* and *Cleomenes*, by the Reſtitution of the Lots of *Lycurgus* were Aſſertors of popular Power, you inſinuate them to have been Aſſertors of *Monarchy*; ſuch is your Play with human Authors, or as a Politician. Now let us ſee, whether you have dealt any thing better with Scripture, or bin more careful as a Divine. In Order to this Diſcovery, I ſhall repeat that Piece of *Calvin*, which you call *the Stumbling-block of Diſobedience*. *Calvin* having preached Obedience to your good Approbation, comes at length to this Expreſſion:

Calv. Inſt. lib. c. 20. §. 31. *But ſtill I muſt be underſtood of private Perſons; for if there be now any popular Officers ordained to moderate the Licentiouſneſs of Kings (ſuch as were the Ephori, ſet up of old againſt the Kings of* Sparta, *the Tribuns of the People againſt the Roman Conſuls, and the* Demarchs *againſt the* Athenian *Senate, of which Power perhaps, as the World now goes, the three Eſtates are ſeized in each ſeveral Kingdom when ſolemnly aſſembled) ſo far am I from hindring them to put Reſtraints upon the exorbitant Power of Kings, as their Office binds them, that I conceive them rather to be guilty of perfidious Diſſimulation, if they connive at Kings, when they play the Tyrants, or wantonly inſult on the People; in that ſo doing they betray the Liberty of the Subject, of which they know themſelves to be made Guardians by God's own Ordinance.*

What *Calvin* ſays of the *Athenian* Demarchs, they having been Magiſtrats of another Nature, is a Miſtake, but ſuch an one, as

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deſtroys no other Part of his Aſſertion, the reſt of the Parentheſis, or that which he ſaith of the Ephori, and the Tribuns being confirmed, as hath been already ſhewn by *Plato* and *Ariſtotle*, by *Cicero* and *Plutarch*. Wherefore of the Ephori and the Tribuns enough; now why the Eſtates in a Gothick Model ſhould be of leſs Power, no Politician in the World ſhall ever ſhew a Reaſon; the Eſtates are ſuch by virtue of their Eſtates, that is, of their Over-balance in Dominion. You are then either ſpeculatively to ſhew how the Over-balance of Dominion ſhould not amount unto Empire, or practically that the Over-balance of Dominion hath not amounted unto Empire, and that in a quiet Government, or it can be no otherwiſe in a quiet Government, than that the Over-balance of Dominion muſt amount unto Empire. This Principle being now ſufficiently known, is the Cauſe it may be why you chooſe in this Place to ſpeak rather like a Divine, as you ſuppoſe, than a Politician. For *you would fain learn*, you ſay, *of* Calvin, *in what Part of the Word of God we ſhall find any ſuch Authority given to ſuch popular Magiſtrats, as he tells us of.* *in* P. 290.

TO which by the way I anſwer, that God founded the *Iſraelitiſh* Government upon a popular Balance; that we find the People of *Iſrael* judging the Tribe of *Benjamin*, and by the Oracle of God, levying War againſt them, which are Acts of Sovereign Power: therefore a popular Balance, even by the Ordinance of God himſelf expreſſed in Scripture, amounted unto Empire. *Judg.* xx.

But you, when you have asked *in what Part of the Word of God we ſhall find any ſuch Authority given to popular Magiſtrats*; anſwer, *not in the Old Teſtament you are ſure. For when* Moſes *firſt ordained the ſeventy Elders, it was not to diminiſh any Part of that Power which was inveſted in him, but to eaſe himſelf of ſome Part of the Burthen lying upon him*, as you will have *to appear plainly by the* 18*th of* Exodus, *where* Moſes *upon the Advice of* Jethro *choſe able Men out of all* Iſrael, *and made them Rulers of Thouſands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens.* Now I am ſure that about this Time the Number of the Men of *Iſrael* was above ſix hundred thouſand, and ſo any Man may be ſure that the Elders thus choſen (ſhould we count but the Rulers of the thouſands only) muſt have come at the leaſt to ſix Hundred: wherefore, you cannot be ſure that this makes any thing to the Election of the ſeventy Elders. P. 290. *Numb.* i. 46.

WELL, but *out of theſe*, ſay you, *God afterwards in the eleventh of Numbers, willed* Moſes *to chooſe the ſeventy Elders.*

YOU may do me a greater Favour than you can ſuddenly imagine, to tell me really for what Cauſe, or upon what Authority your Speech is ſo poſitive, that God willed *Moſes* to chooſe the ſeventy Elders out of thoſe that were choſen in the eighteenth of *Exodus*. For whereas *Moſes* is willed to chooſe them out of ſuch as he knew to be Elders, ſuch there were in Honour among the People, though not in Power, before the Election of thoſe adviſed by *Jethro*, as appears, *Ex.* iii. 16. and iv. 29. But had this been as you would have it, what is the Neceſſity, that becauſe there lay an Appeal unto *Moſes* from thoſe in *Exodus*, that is, from the *Jethronian* Elders, or Courts which ſat afterwards in the Gates of the Temple, and of every City; therefore there muſt needs lie an Appeal from the ſeventy Elders, or the *Sanhedrim* unto *Moſes*, eſpecially while the whole Stream of *Jewiſh* Writers or *Talmudiſts*, who ſhould have had ſome Knowledge in their own Common-

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wealth, unanimouſly affirms that there was no ſuch thing? Where-
Grotius ad Ex. xviii. 21. upon to the Election of the former Elders, ſaith *Grotius*, *in the Place of theſe came the Judges in the Gates, and in the Place of* Moſes *the* Sanhedrim. Nor need we go farther than the Scripture, for the Certainty of this Aſſertion, where the Seventy are choſen not to ſtand un-
Numb. xi. der *Moſes*, but with him; not to diminiſh his Burthen, or bear it under him, with an Appeal in difficult Caſes to him, as is expreſſed in the Election of the *Jethronian* Elders, but to bear the Burthen with him, and without any mention of ſuch Appeal. *Moſes* before the Election of the *Jethronian* Judges had the whole Burthen of Judicature lying upon him; after their Election, the Burthen of the Appeals only: wherefore if the ſeventy Elders were indeed inſtituted to bear the Burthen with *Moſes*, there thenceforth lay no Appeal unto *Moſes*, which
Deut. xvii. 8. is yet clearer in this Precept: *If there ariſe a Matter of Controverſy within thy Gates*, (which plainly is addreſt to the *Jethronian* Courts) *too hard for thee in Judgment, then ſhalt thou come unto the Prieſt and the Levite*, (by which in the Senſe of all Authors *Jewiſh* and Chriſtian is underſtood the *Sanhedrim*) *or to the Judge that ſhall be in thoſe Days*, (the Suffes or Dictator) *and they ſhall ſhew thee the Sentence of Judgment:* whence by the clear Senſe of Scripture, all Matter of Appeal in *Iſrael* lay unto the *Sanhedrim*. Your next Argument, that there muſt be *nothing in all this but eaſing the ſupreme Magiſtrate of ſome*
P. 292. *part of the Burthen, which was before too heavy for him, without any Diminution, in the leaſt Reſpect of his Power; is, that when God had taken of the Spirit which was upon* Moſes, *and put it upon the ſeventy Elders, the Spirit yet reſted upon* Moſes *in as full a Meaſure as it did at firſt:* I grant in a fuller, for I believe his Wiſdom was the greater for this Diminution of his Power, it being through the Nature of the Balance, apparently impoſſible that he could be any more than a Prince in a Commonwealth. But your Argument can be of no Force at all, unleſs you will have him to have been leſs wiſe, for not aſſuming Sovereign Power, where, without Confuſion, it was altogether impoſſible he ſhould have held it. A Prince in a Commonwealth ſubſiſteth by making himſelf, or being made of uſe unto the free Courſe of popular Orders; but a Sovereign Lord can have no other Subſiſtence or Security, than by cutting off or tearing up all Roots, that do naturally ſhoot or ſpring up into ſuch Branches. To conclude, if the Congregation of the People, in Law to be made, had ſuch Power as was ſhewn, and in Law, ſo made, the ultimate Appeal lay unto the *Sanhedrim*; why, are not here two Eſtates in this Commonwealth, each by God's own Ordinance, and both plain in Scripture? Well, but when they came, you will ſay, to make unto themſelves Kings, whatever Power they had formerly, was now loſt. This at beſt were but to diſpute from the Folly of a People againſt an Ordinance of God; for what leſs is teſti-
1 *Sam.* viii. 7. fied by himſelf in thoſe Words to *Samuel, they have not rejected thee, but they have rejected me that I ſhould not reign over them?* The Government of the Senate and the People is that only, which is or can be the Government of Laws and not of Men, and the Government of Laws and not of Men, is the Government of God and not of Men:
Arth. pol. 3. *He that is for the Government of Laws, is for the Government of God; and he that is for the Government of a Man, is for the Government of a Beaſt.* Kings, no queſtion, where the Balance is monarchical, are of divine Right, and, if they be good, the greateſt Bleſſings

that

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that the Government ſo ſtanding can be capable of; but the Balance being popular, as in *Iſrael*, in the *Grecian*, in the *Sicilian* Tyrannies, they are the direſt Curſe that can befal a Nation. Nor are Divines, who will always have them to be of divine Right, to be hearkned to, ſeeing they affirm that which is clean contrary to Scripture, for in this Caſe, ſaith *Hoſea*, *they have ſet up Kings, and not by me; they have made Princes, and I knew it not.* *Pharaoh* may impoſe the making of Brick without the Allowance of Straw, but God never required of any Man or of any Government, that they ſhould live otherwiſe, than according to their Eſtates. It is true if a Man's Want make him a Servant, there are Rules in Scripture that enjoin him the Duty of a Servant: but ſhew me the Rule in Scripture that obligeth a Man who can live of himſelf unto the Duty of a Servant. Hath God leſs Regard unto a Nation than to a Man? Yet the People of *Iſrael*, continuing upon a popular Agrarian, though God forewarned them, that by this means they would make themſelves Servants, would needs have a King; whence, ſaith the ſame Prophet, *O Iſrael, thou haſt deſtroyed thy ſelf, but in me is thine Help; I will be thy King* (which foretels the Reſtitution of the Commonwealth, for) *where is any other that may ſave thee in all thy Cities? and thy Judges of whom thou ſaidſt give me a King and Princes. I gave thee a King in mine Anger*, (that is in *Saul,*) *and I took him away in my Wrath*, that is in the Captivity, ſo at leaſt ſaith *Rabbi Bechai*, with whom agree *Nachmoni*, *Gyſchome*, and others. *Kimchi*, it is true, and *Maimonides* are of Opinion, that the People making a King, diſpleaſed God not in the Matter, but in the Form only, as if the Root of a Tree, the Balance of a Government, were Form only and not Matter. Nor do our Divines yet, who are divided into like Parties, ſee more than the *Rabbies*. Both the Royaliſts and the Commonwealthſmen of each ſort, that is, whether Divines or *Talmudiſts*, appeal unto the Letter of the Law, which the Royaliſts (as the Tranſlators of our Bible) render thus: *When thou ſhalt ſay* (the Commonwealthſmen, as *Diodati* thus, *If thou com to ſay) I will ſet a King over me, like all the Nations that are about me, thou ſhalt in any wiſe ſet him King over thee, whom the Lord thy God ſhall chooſe.* The one Party will have the Law to be poſitive, the other contingent, and with a Mark of Deteſtation upon it; for ſo where God ſpeaketh of his People's doing any thing like *the Nations that were about them*, it is every where elſe underſtood, But let theſe, which are no Niceties, be as you will; who ſeeth not that to argue from this Place for the Neceſſity of the King, is as if one from that foregoing ſhould argue for the Neceſſity of the Judges? The Words are theſe, *thou ſhalt come unto the Prieſt and to the Levite*, which, as was ſaid, is to the *Sanhedrim*, *and* (that is or) *to the Judge that ſhall be in thoſe Days.* Yet that the Judge, not by any Neceſſity implied in theſe Words, but through the mere Folly of the People came to be ſet up in *Iſrael*, is plain by *Joſephus*, where he ſhews that the *Iſraelites* laying by their Arms, and betaking themſelves unto their Pleaſures, while they did not as God had commanded, root out the *Canaanites* from among them, but ſuffered them to dwell with them, ſuffered alſo the Form of their Commonwealth to be corrupted, and the Senate to be broken; the Senators nor other ſolemn Magiſtrates being elected as formerly, which both in Word and Fact is confirmed alſo by the Scripture. In Words, as where it is thus written: *When* Joſhua *had let the People go* (that is had

Hoſ. viii. 4.

Hoſ. xiii.

Deut. xvii. 14.

Verſe 9.

Book 5. *c.* 2.

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Judg. ii. 6. had diſmiſſed the Army, and planted them upon their popular balance) *the Children of* Iſrael *went every Man unto his own Inheritance to poſſeſs the Land, and the People ſerved the Lord all the Days of* Joſhua, *and all the Days of the Elders that out-lived* Joſhua, that is, while the *Sanhedrim* continued after him; but when the Elders hereof came to die, and the People elected them no Succeſſors, *they lived evil in the ſight of the Lord*, and having broken their Civil Orders, forſook alſo their Religion, the Government whereof depended upon the *Sanhedrim*, *and ſerved Baalim*. And for the Matter of Fact included in theſe Words, it *Judg.* i. 3. farther appears, where *Judah ſaid unto* Simeon *his Brother, come up with me into my Lot, that we may fight againſt the* Canaanites, *and I likewiſe will go with thee into thy Lot*; *ſo* Simeon *went with him*. By which the Tribes leaguing at their Pleaſure one with another, it is plain, that the *Sanhedrim* their common Ligament was broken. Now except a Man ſhall ſay, that this Neglect of God's Ordinance was according unto the Law of God, there is no diſputing from that Law to the Neceſſity of the Judge, which happened through no other than this Exigence (*quippe aut rex, quod abominandum, aut quod unum liberæ civitatis conſilium eſt, ſenatus habendus eſt*) wherefore the Judge of *Iſrael* was not neceſſitated by the Will of God, but foreſeen only by his Providence, not impoſed by the Law, but provided by it as an Expedient in Caſe of Neceſſity; and if no more can be pleaded from the Law for the Judge againſt whom God never declared, much leſs is there to be pleaded from the ſame for the King, againſt whom he declared ſo often. There is nothing more clear nor certain in Scripture, than that the Commonwealth of *Iſrael* was inſtituted by God; the Judges and the Kings no otherwiſe, than through the Imprudence and Importunity of the People. But you who have no better Name for the People in a Commonwealth than the *raſcally Rabble*, will have Kings at a venture to be of divine Right, and to be abſolute; whereas in truth, if divine Right be derived unto Kings, from theſe of the *Hebrews* only, it is moſt apparent that no abſolute King can be of divine Right. For theſe Kings, if they were ſuch by the Law alledged, then by the ſame Law they could neither multiply Horſes nor Wives, nor Silver nor Gold, without which no King can be abſolute; but were *to keep all the Words of this Law and theſe Statutes*, and ſo by Conſequence were regulated Monarchs; nay, could of Right enact no Law, but as thoſe by *David* for the Reduction of the Ark, for the Regulation of the Prieſts, for the Election of *Solomon*, which were made by the Suffrage of the People, no otherwiſe than thoſe under the Kings of *Rome*, and ours under the late *Monarchy*. What then is attributed by *Calvin* unto popular Magiſtrates, that is not confirmed by Scripture and Reaſon? Yet nothing will ſerve your Turn, but to know what Power there was in the *Sanhedrim*, to controul their Kings: To which I anſwer, that both *Schickardus* and *Grotius* with the full Conſent of the *Talmudiſts* have aſſured you, that in caſe the King came *to violate thoſe Laws and Statutes, it was in the Power of the* Sanhedrim, to bring him unto corporal Puniſhment. Moreover it is ſhewn by the latter out of *Joſephus*, that *Hyrcanus*, when he could not deliver *Herod* from the *Sanhedrim* by Power, did it by Art. Nor is your Evaſion ſo good as that of *Hyrcanus*, while you having nothing to ſay to the contrary, but that *Herod* when he was queſtioned was no King, ſhuffle over the Buſineſs without taking any Notice as to the Point in Controverſy, that *Hyrcanus*, who could not ſave *Herod* from the Queſtion, was King.

Pacuvius apud Livium. lib. 23.

Deut. xvii.

De jure B. ac P. Lib. 1. *Cap.* 1.

The

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THE manner of the Reſtitution of the *Sanhedrim* made by *Jehoſhaphat* plainly ſhews, that even under the Monarchy the Power of the *Sanhedrim* was co-ordinate with that of the Kings, at leaſt, ſuch is the Judgment of the *Jewiſh* Writers; for ſaith *Grotius*, the King (as is rightly noted by the *Talmudiſts*,) was not to judge in ſome Caſes; and to this the Words of *Zedekiah* ſeem to relate, where to the *Sanhedrim* demanding the Prophet *Jeremiah*, he ſaid, *behold he is in your Hands, for the King is not he that can do any thing with you.* Nor, except *David*, had ever any King Seſſion or Vote in this Council. To which ſoon after he adds, that this Court continued till *Herod* the Great, whoſe Inſolence, when exalting it ſelf more and more againſt the Law, the *Senators* had not in time as they ought, ſuppreſſed by their Power; God puniſhed them in ſuch manner for the Neglect of their Duty, that they came all to be put to Death by *Herod*, except *Sameas* only, whoſe Foreſight and frequent Warning of this or the like Calamity they had as frequently contemned. In which Words *Grotius* following the unanimous Conſent of the *Talmudiſts*, if they knew any thing of their own Orders, expreſly attributes the ſame Power unto the *Sanhedrim*, and chargeth them with the ſame Duty in *Iſrael*, that is attributed unto the three Eſtates in a Gothick Model, and charged upon theſe by *Calvin*.

2 *Chr.* xix.

Ad Mat. v.

Jer. xxxviii. 5.

THUS that there never lay any Appeal from the *Sanhedrim*, unto *Moſes*, nor, except when the *Jews* were in Captivity, or under provincial Government, to any other Magiſtrate, as alſo that they had Power upon their Kings, being that your ſelf ſay, *Is the Objection paramount, and which not anſwered, you confeſs that the three Eſtates convened in Parliament, or any other popular Magiſtrate* Calvin *dreams of, notwithſtanding any Diſcontinuance, or Non-Uſage on their parts, or any Preſcription alledged by Kings to the contrary, may reſume and exerciſe that Authority, which God hath given them, whenever they ſhall find a fit time for it.* And this Letter ſhewing plainly that you have in no wiſe anſwered this Objection; it remains that your whole Book, even according to your own Acknowledgment, is confuted by this Letter. Or if you be of another Mind, I ſhall hope to hear farther from you.

P. 289.

A Letter unto Mr. STUBS in Anſwer to his *Oceana weighed, &c.*

SIR, to begin with the beſt Piece of your Work; your Quotations in the Title Page ſpoiled with ill Application, I ſhall firſt ſet right. You ſee that all Councils, all Things are upon the *Rota*, upon the Wheel. From that *Rota* only which I ſuppoſe you mean; what came forth, came forth unfoiled, and as it went in. We do not by this Trial deſpair, but with a little Senſe, the right Inſtitution of ſuch a Society may come to compare with Piccadilly, Play-houſes, or Horſe-matches; but if theſe be yet preferred, then indeed

——Amphora cœpit
Inſtitui, currente Rota, *cur urceus exit?*

Thus

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Thus applied there may be Senſe in this Quotation. So for your other, had it been affixed unto your former Book, and applied to your ſelf, or thoſe, unto whom you wrote Journey-work for *Oligarchy*, it might have been well ſaid as in *Aſinar*.

——*Nunc enim hic eſt*
Negotioſus interdius, videlicet Polon *eſt*
Leges ut conſcribat, quibus ſe populus non *teneat* Gerræ.
Qui ſeſe parere apparent hujus legibus, profecto
Nunquam bonæ frugi ſient.

Thus taken you know it is true. And ſo your Title Page being in Part rectified, I come

To your Preface.

Mr. *Harrington* ſays, That without a national Religion there can be no Liberty of Conſcience. And you anſwer, That in *Athens* and *Rome* there were national Religions; therefore in *Athens* and *Rome* there was no Liberty of Conſcience; which is ſo much the more abſurd in that you cite *Petit* for Confirmation of your Conſequence, who affirms the contrary, and that by undeniable Authorities, as may be ſeen in the ſecond, third, and fourth Pages of his Diſcourſe upon the *Attick* Laws, the Sum whereof amounts unto thus much, That albeit there were in *Athens* Laws for the National Religion, yet it by Law was in the *Areopagites* alſo to give Liberty unto any other Way of Worſhip, which Liberty ſo given was Law, and became a Man's Right, whether it were to a publick or private Way of Worſhip; in which Manner it is affirmed and proved by the ſame *Petit*, that into *Athens*, beſides the national Religion of that Country, were introduced the Religions of almoſt every other Country. The ſame he affirmeth of *Rome*, where notwithſtanding the national Religion therein eſtabliſhed by *Romulus*, it is vulgarly known that ſcarce any Country was ſubdued by them, whoſe Religion they did not inſert into their own.

And where is your Truth, who ſay, That Mr. *Harrington* entertains us with Diſcourſe of *Paul*'s Trial at *Athens?* Where doth he ſay that *Paul* was tried there? Or what ſaith he of *Paul*'s preaching there, other than is affirmed by other Pens, as that particularly of *Grotius?* But out of this you fall merrily, as thus: Once upon a Time there was a Man called *William Thomas*, therefore *William* and *Thomas* muſt for evermore be one and the ſame Man.

This is your Way of diſputing, which you carry on in like Manner, for Example thus.

Every Man is to be taxed for that Eſtate, whereof he is not Owner.

Now *Oceana* is an Eſtate, whereof Mr. *Harrington* is not Owner.

Therefore *Oceana* is an Eſtate, for which we are to tax Mr. *Harrington*.

If the Minor be denied, as that *Oceana* is an Eſtate whereof Mr. *Harrington* is not Owner, your Diſcourſe implies this or the like Proof of it.

Where

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Where any one Man and no other is the conſtant Defender of one and the ſame Eſtate or Propriety, that one and the ſame Eſtate or Propriety is not his, but ſome others.

But Mr. *Harrington* and no other is the conſtant Defender of *Oceana*.

Therefore *Oceana* is no Eſtate or Propriety of Mr. *Harrington*'s, but of ſome other. Now if it pleaſe you

To the Body of your Work.

Sir, to a Man who pretends not to underſtand a Language, it is no Shame not to underſtand that Language; but it is a Shame to a Man, and a Scholar who pretends to Senſe, not to underſtand Senſe. If I ſhall make it plain that in this Point you come ſhort, I ſhall have vindicated the Greek of your Authors from your ignorant Application of the ſame, without troubling the Reader with any more Languages than his Mother Tongue. You, in pretending to have found *Oceana* light, weigh only *Sparta*, nor that truly.

Firſt, Becauſe the Senate of *Sparta* was inſtituted by *Lycurgus*, you argue, That it was not inſtituted eligible by the People; whereas all Authors, particularly *Ariſtotle*, *lib.* 4. *cap.* 9. affirm, That the Magiſtrates in *Sparta* were all choſen by the People, as that of *Senator*; or choſen, and alſo born by the People, as that of *Ephori*.

For the Miſtakes you lay unto Mr. *Harrington* in the Greek, as, That the Tribes in *Lacedemon* were pre-exiſtent to the Oracle, what maketh that to the Purpoſe? And that the Word *Obæ* doth not ſignify *Lineages*, you will hardly perſuade, ſeeing *Amyot*, thought to be as good an Interpreter of the Greek as Mr. *Stubs*, in rendring the Oracle, hath theſe Words, *Aprez que tu auras diviſé le peuple en ligniees.* But I will not trouble the Reader with foreign Languages: Things indiſputable ſhall hereafter be brought for Interpretation of the Words you diſpute at a dear Rate, giving ſo much Greek for Twopence as you have made not worth an Half-penny. Mr. *Harrington* ſtates the Commonwealth of *Sparta* thus;

Lycurgus inſtituted a Senate eligible by the People for Life, with Right to debate and propoſe, and a popular Aſſembly with Power to reſolve. To which he adds the Place in *Plutarch*. Lycurgus *having thus tempered the Form of this Commonwealth, it ſeemed nevertheleſs to them who came after, that the ſmall Number of thirty Perſons* (and for Life) *whereof this Senate conſiſted, was the Cauſe of greater Force and Authority in the ſame than was convenient; for which Cauſe to hold in this ſame Senate, they* (the People) *gave them the Senate,* (as *Plato* ſaith) *the Curb, which was the Power and Authority of the* Ephori, *Magiſtrates created about One hundred and thirty Years after the Death of* Lycurgus, *in the Time of King* Theopompus, *who to his Wife reproaching him in Diſdain, that he muſt thus baſely leave his Kingdom leſs unto his Succeſſors, than he had received of his Predeceſſors*; made Anſwer, *That he ſhould leave it greater, in Regard that it would be more firm and durable.*

Hereby it is apparent, when the Senate upon theſe Advantages of Fewneſs and for Life, began to propoſe perverſely unto the People, then the People began to *add, diminiſh, pervert, and evert what the Senate propoſed*, that is, they began (as in like Caſes is unavoidable) to

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debate. And the People thus taking upon them to debate, *Polydorus* and *Theopompus* being Kings, endeavoured to add unto the fundamental Law, *That if the People did not determine well, then the Senators and the Kings ſhould ſtop the Procedure.* Hereupon, for the Defence of their fundamental Laws, the People erected the Court of the *Ephori*, conſiſting of annual Magiſtrates choſen by and out of themſelves, and with Power to queſtion any of their Kings or Senators upon their Lives, that ſhould go about to pervert thoſe Laws. Thus by this Patch of the *Ephori*, came that Flaw in *Sparta* (wherewith Mr. *Harrington* for that Reaſon propoſing otherwiſe, is not concerned) to be amended. And this is the Account he gives of that Commonwealth, which you, perverting the whole Story, go about to weigh otherwiſe.

1. Inferring that the People were guilty of thoſe Miſcarriages, which it is plain proceeded from the Senate, and were rectified by the People, in the Inſtitution of that *Curb upon the Senate* (as is plainly ſhewn by *Plutarch*) in the Inſtitution of the *Ephori*.

2. You infer from you know not what, that the Senate had a negative Vote, and yet confeſs that the People had no Right to debate. Whereas to leave Words or *Canting*, (for your Greek, as you uſe it, amounts to no more) and come as I ſaid to the undeniable Teſtimony of Things or of Senſe; if the popular Aſſembly had no Right to debate, how ſhould the Senate have a Negative? Or if the popular Aſſembly had Right to the Reſult only, then who but themſelves could have the Negative? *Contra rationem nemo ſobrius, contra experientiam nemo ſanus.* For that which you alledge out of *Demoſthenes*, as that he calleth the Senate of *Sparta* Lords of the People, it can (conſidering the Nature of this Commonwealth, which *Iſocrates* to the *Areopagites* affirms to be popular) be no otherwiſe underſtood, than as they who have the like Function, I mean of debating and propoſing unto the Parliament in *Scotland*, are called Lords of the Articles. Lord in this Senſe, as you (in great Letters ſetting a Mark upon your Ignorance, and not interpreting your Text) would imply, doth not ſignify *Sovereign*, for neither are the Lords of the Articles *ſovereign*, nor doth *Demoſthenes* affirm that of the Senate of *Sparta*. But where the Propoſers are few, and for Life, as in *Lacedemon*, and as the greater Nobility or Officers in *Scotland*, they may in ſome Senſe be called Lords of the People, though not they, but the People have the Reſult.

To conclude, Mr. *Harrington* hath long ſince ſhewed, that among the Greeks, the Words *Oligarchy* and *Democracy*, were underſtood in ſuch Manner, that where the popular Aſſembly had the Reſult only, there the Commonwealth was ſometimes called *Oligarchy*, eſpecially if the propoſing Council conſiſted of few, and for Life, as in *Sparta*; and where the People had not only the Reſult but Debate alſo, that was called *Democracy*, as in *Athens*. Hence that an Oligarchiſt in your Senſe, or one that hath endeavoured to make *Helots* and *Gibeonites*, or Servants of ſuch as are now his Lords and Maſters, is no Ideot, there is no Conſequence, even for what hath happened in our Days. *Quid verba audio, cum facta videam?* &c.

March 6. 1659.

POLI-

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POLITICASTER:

OR,

A Comical DISCOURSE, in Anſwer to Mr. *Wren*'s Book, intituled, *Monarchy aſſerted, againſt Mr.* Harrington's *OCEANA.*

By *J. H.*

Ad Populum phaleras, ego te intus et in cute novi.

EPISTLE to the READER.

READER,

THEY ſay well, that a Man who hath written ſhould not trouble himſelf with ſuch as write againſt him; but let the World hear on both Ears, and then judge. That this in Time would do well enough in my Caſe, I make as little Doubt as another. Nevertheleſs, where through Silence there may be Damage, at the tendereſt Point or Seaſon, I hold my ſelf obliged forthwith to anſwer the preſent Book, though it be but meer Raillery or Jeſt: and for this Cauſe, if I alſo be merry, you will have me excuſed. Another Inſtigation or Spur to this laudable Adventure, is, that as Gloves which have lain in Spaniſh Skins give Notice of themſelves in fair Aſſemblies, ſo hath ſome Book by having lain in ſome Man's Pocket. For Order, though where there are but two Speakers, I ſhall ſcarce obſerve the Laws of a Play, yet the beſt Method I can upon this Occaſion fit my ſelf withal, will be by diſtributing my Diſcourſe into Acts and Scenes. The Acts, as well becauſe I have not taken my Degrees, as that Multitudes of Univerſity Scholars (they ſay, ſoberly and ſeriouſly) profeſs themſelves to be converted by Mr. Wren, *ſhall not be dramatical, but Univerſity Acts: and to theſe, being the Scholars ſlight me for a Law-giver, I will for once give ſuch Laws, as, let them do what they can, they ſhall never evade. The ſame ſhall be done in ſuch Manner, as, if they cannot anſwer nor get looſe from my firſt Act, then will I thereupon declare my ſelf* A Batchelor of Arts: *if they cannot anſwer or get looſe from my ſecond Act, then will I be undeniably* A Maſter of Arts: *The Third ſhall make me in like Manner* A Batchelor of Law; *the Fourth, A* Doctor of Law, *and perhaps* of Divinity. *For without Confutation by Divines or Lawyers, there will be no Reaſon why my Exerciſes are not ſufficiently performed; and theſe being ſufficiently performed, why have not I legitimately acquired my Degrees? Then in the latter End, I will do ſomething to go out* Orator; *and in the laſt Place, ſhall I ſtand to be* Poet Laureat. *But you muſt think that a Man may as lawfully be two Years, if he have nothing elſe*

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to do, about Buſineſs of ſuch Importance, as Mr. Wren *hath been about leſs Matters. Be then attentive: for the preſent you ſhall have the firſt Act; and what you find Mr.* Wren *or me to be in this, I here engage my Reputation, that the reſpect Characters ſhall be made good throughout.*

But now upon Occaſion of theſe Acts, I warrant you we ſhall have my Antagoniſt go pitifully complaining unto Dr. Wilkins, *of* diſingenuous Contumely *thrown upon the Univerſity. Goodneſs! What is an Univerſity, at leaſt one where they can call ſuch a Writer as Mr.* Wren *ingenious; and ſuch Trumpery as his Writings, full Satisfaction or Conviction, that it ſhould be unlawful for any Man, though but a Ballad-ſinger, to laugh ſuch a white Mother into red Cheeks!*

March 20, 1656.

THE

PROLOGUE,

In Anſwer to Mr. *Wren*'s PREFACE.

GENTLE Mr. *Wren, (ſine ira & obſequio)* without Paſſion or Partiality, give me your Hand, and let me as it were by ſome familiar and unſtudied Diſcourſe, treat with you upon the Contents of that ſame Book you call *Monarchy aſſerted*, and ſo forth.

SIR, for Method, I ſhall take thoſe Places which are moſt material, in the Order you have borrowed for them, and ſo beſtowed upon them; omitting none that is not implied in the Anſwer I ſhall give unto theſe: you ſhall not find me ſkipping, as you do, whole Pages and Chapters. And whereas you (upon my taking that Liberty which is every Man's Right, of uſing a Libel without a Name, as he thinks fit) have appealed in the Concluſion unto my Lords, the Provoſts of *Oceana*, as if I had given you ill Language; and have alſo in divers and ſundry Places of your Work, as it were, dared my Muſe; I ſhall at leiſure (it may be within two Years) add a Piece of Oratory, addreſſed unto the ſaid Lords, the Provoſts of the Academy in *Oceana*, and ſome Poems not abhorring from your Deſires or Provocations, not in the Thunder-thumping Way of Grandſire *Virgil*, but in the ſugar'd Speech of mine Uncle *Chaucer*. If you pleaſe by the Way to take a Lick of it, I ſhall at this Diſtance from the *Opera*, inſert the Prologue.

What Chaucer **ho**, **ye han the Engliſh kep,**
Of the high Rock Parnas **with the Tow'rs twep.**
Your ſooten Gab, ſo ken I well thus far,
Of Courteſy the Fate till me unſpar.
But here be Bavins in the Way I trow,
All to be prickle like Urchin, hi ho.
Forth come wi brond, gin ye no bren em green
Me mote they keepen out that nere were in.

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Pray, Sir, ha' me commended to them that ſay, your Book is unanſwerable, and let them know, it is to them that the Prologue is ſpoken. The Body of the Work is heroick; the Title thereof bequeathed by famous *Selden*, runneth thus: *The Wars of the Makers of Mouſe-traps againſt* Inigo Jones; and it beginneth in this wiſe.

Leif Miſtreſs Margery Melpomene,
Out how ye ſnorten! ſooth it been brede Day
Ne Mother Midnight ſit in Sky, ne duskin,
For Shame now buckle on your bloodred Buskin:
Or if ye like your Caſe, ſweet Lady Meg,
Of Womanhood, lend me your Lethren Leg:
And gin, I lig it not about ſquare Caps
That meet in hugger for to make Mouſe-traps,
And wagen War anenſt Inigo Jones
That harpen, like Amphion, till huge Stones
And maken riſe in rew of Kerſon People
Into the Element, and ſit on Steeple.
Mote I ne tack ye mere by the ſmall Fute
When ye mount Pegaſus in Crimſon bute.

Look you there now, is not this fair? You have the Length of my Weapon. Moreover, I have manifeſted unto you the whole Order of my Work. Now to my Tackling.

Noble Mr. *Wren*, you have declared your ſelf to be of *an Aſſembly of Men who are known both at home and abroad to be of the moſt learned Perſons of this Age:* and ſome ſuſpect it to have been under their Eye, that you have been about two Years in anſwering my laſt Book; an Enterpriſe in which you have performed, ſeeing you now own the former, your ſecond Adventure in like Chivalry; yet where I vouch *Ariſtotle*, *Machiavel*, and like Authors for the undoubted Right, which a private Man may claim in treating upon the Politicks, or upon the Nature of Government, you tell me, that this Privilege is not to be extended unto *every little Writer*. I, againſt whom one of the *Aſſembly, known both at home and abroad to be of the moſt learned Perſons of this Age*, hath written twice, and been ſo long about it, *A little Writer!* Sir, you forgot your ſelf.

Again, the Teſtimony of *Machiavel* throughout his Works, is, that he intendeth not careleſly to ſtart ſome *Philoſophical Opinion*, but applieth every Thing home and expreſly unto *Italy*, though not without ſome Deſpair, yet with the Ardour, or, if you will have it ſo, with *the Heat and Paſſion belonging unto* ſo noble a *Deſign*. Wherefore for you to adoperate this Teſtimony quite contrary to the Truth of it, as a Proof that *my Way of Writing hath no Affinity with this Author's*, is Subornation of a Witneſs.

But, good Mr. *Wren*, is your Propoſition of *German*-horſe, or, which is all one, of a mercenary Army for a ſtanding Government, ſuch as *profeſſeth to have any Fiction or Romance, while you enter not into Deſpair* (as you ſay) *of living to enjoy your Share of the Felicities which will belong unto the Subjects of ſuch a Government, or adapted to the Occaſions or Neceſſities of a particular Juncture?* Is it ſuch as in ſo many fair *Compliments* wherewith you interweave me nominally, W. p. 107.

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is *propoſed with the Temper and Moderation becoming a philoſophical Opinion, and not with the Heat and Paſſion belonging to a Deſign?* Was my Book which named no Man, a *Libel* or a *Paſquin*; and are both yours, each Page whereof is endued with my Name, moſt *ſerious Tracts, and true Hiſtory?* Alas, that ever I fell into the Hands of ſuch an Hiſtorian: what will become of my Name, preſerved in ſuch ſugar'd Eloquence to future Ages? But notwithſtanding you are a great Hiſtorian, Mr. *Wren*, yet as concerning *Chriſtopher Columbus*, and becauſe you will go to that, as concerning *Sebaſtian Gabato* likewiſe, I appeal unto my Lord *Verulam*, whether they firſt framed not Deſigns or Cards before they found out their Diſcoveries; or if Diſcoveries cannot be made but by Deſign or Chance, what need I appeal to any Man for this, ſeeing it is known that they made their previous Contracts with Princes, before they undertook their Adventures? What mean you then to ſay, that *they who underſtand that* Chriſtopher Columbus *muſt firſt have been at the Indies, before he could make a Card to teach others the Way thither, will go near to ſuſpect Mr.* Harrington's *Abilities in modelling a Commonwealth, till he have ſpent ſome Years in the Miniſtry of State?*

Hen. VII. Page 188

Good Sir, beſides the Trick you put upon your Reader, in your Antecedent, you are quite out in your Conſequence. For how many Years, I pray you, had *Lycurgus*, or *Numa Pompilius* ſpent in the Miniſtry of State before they modelled their Governments? Or what Modelling of Government hath been bequeathed unto the World, by all the Miniſters of State in *France*, ſince the Diſſolution of the three Eſtates, the ancient Model of that Government; or by all the Miniſters of State ſince *Henry* the ſeventh in *England*; or have not theſe rather been the Ruin of the Engliſh Model? Mr. *Wren*, if you will believe me, the main, nay the whole Ability of modelling a Commonwealth, lyeth in two Things; the one, in being well verſed in ancient Prudence; the other, in being diſengaged from all Parties: neither of which Qualifications is common with Miniſters of State.

Talk not to me of *French Taylors*; to model is not ſo eaſy a Thing as you take it for, if we may but count our late Changes of Government: when the King left the Parliament, and the two Houſes governed without a King, there was one Change. When the Peers were excluded, and the Commons governed without King and Peers, there was two: when the Commons were excluded, and the General governed alone, there were three: when the General governed with a Convention of his own making, there were four: when by the Major-Generals, there were five: when the Protector governed by the Inſtrument, there were ſix: when he governed by the Petition and Advice, there were ſeven; the preſent ſhould be the eighth: Nor hitherto hath there been any Model at all, or any ſuch as the Makers themſelves have approved of. I hope I give no Offence; for I ſay but as they ſay: But you are ſuch a Man, you can ſhew me no Body ſo good at modelling as I, except it be your ſelf; who I am ſure have had as little Miniſtry; and yet the *next Dung-hill*, which is your own ſweet Book, you think fitteſt to be my *Magazine*. Why ſeeing you will have it ſo, come your ways.

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ACT I.

Scene I. *In Anſwer to* Chap. I.

Whether Prudence be well diſtinguiſhed into ancient and modern.

FOugh! this ſame mixen in the ſtirring, is like Pepper in the Noſe; but he ſaith, it is Hellebore for to purge Heads.

Now as concerning purging of Heads, Mr. *Wren*, there ſeemeth already to peep out a Queſtion. Do your Univerſities (gentle Sir) derive their Learning from *Nimrod*, from the Kings of *China*, from the Monarchies? (to be equally with *Macedon*, I doubt, as to this Point, *paſſed over in wiſe Silence.)* Are they deſcended (do you underſtand me?) from the Times in *Greece* called by *Thucydides*, *The Imbecillity of ancient Times*; from thoſe in *Rome*, called by *Florus*, *The Childhood of that Government?* Or ſpeak out, is their whole Stock of Learning, without which they had not had any kind of Thing whereupon to ſet up, derived from the Hebrew, the Greek, and the Roman Commonwealths? If ſo, Mr. *Wren*, whether I pray you call you not now that Stock of Learning *ancient Learning*, albeit they could not call it ſo then? and if Politicians have no other Pedigree of Prudence, than the ſame that you have of Learning, why is not that Prudence, which they have received in the like Manner, ancient Prudence, albeit thoſe Commonwealths could not call it ſo then?

To ſhift theſe Things which are thus plain, you are in this Chapter a wonderful Artificer; yet cometh all but to this, That neither *Thucydides* nor *Florus* divide Prudence into ancient and modern. Why, Mr. *Wren*, neither did the Commonwealths mentioned divide Learning into ancient and modern. This Diſtinction belongs unto latter Times, in Regard of ſome modern Learning that is of latter Invention. So, Mr. *Wren*, in Regard of ſome modern Prudence, which firſt I tell you what it is, namely, Government by King, Lords and Commons: and ſecondly, how it came in, namely, by the *Goths* and *Vandals*. I call the Prudence (do you mark?) of thoſe ancient Commonwealths, *ancient Prudence*; and the Prudence remaining unto us from theſe *Goths* and *Vandals*, *modern Prudence*. What could you deſire more? Nay, and this is according unto the plain Senſe of *Janotti* too: For, ſaith he, as to his two Limits or Periods of Time, *Of the former, or that wherein* Rome *was oppoſed by the Arms of* Cæſar, *came the ſecond, or that when* Italy *was overrun by the* Huns, Goths, Vandals *and* Lombards; *and of the ſecond came all that Alteration, which hath given unto the World the Face in which we now ſee it, and utterly loſt it that Face which it had in the Time of the Romans.* Wherein Relation unto the two Governments (the one popular, which was the more ancient; and the other by King, Lords and Commons, which is the more modern) is ſo plain, that you are put unto a Shift, who can ſay no more than that I make *Janotti* Author of the Diviſion of Prudence into ancient and modern. How dare you for your Reputation do thus, Mr. *Wren?* while firſt by your own Acknowledgment I infer this Diviſion from more ancient Authors, as *Thucydides* and *Florus*: And ſecondly, my Words relating unto *Janotti* do no where from him derive the Diviſion of Prudence into ancient and modern, as to thoſe Terms, upon which runneth your Equivocation; but fortify

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tify this Diviſion of my own, by the two Periods of Time by him obſerved, and that are of like Senſe with theſe Terms.

But, Mr. *Wren*, there was never the like of you! Whereas the Queſtion by me propoſed, was, whether Prudence be not rightly divided into ancient and modern, you have conveyed it into a Queſtion, whether Monarchy be not a more ancient Government than a Commonwealth? This have I hitherto not diſputed, as that which concerneth not the preſent Controverſy. But ſeeing it may be for your Service, I do flatly deny that Monarchy is the more ancient Government; not that Mr. *Hobbs* holdeth *Democracy* to be of all Governments the firſt in Order of Time; but firſt, becauſe upon the Place where it is ſaid, That *Nimrod was a mighty Hunter before the Lord*, it is reſolved by Divines that *Nimrod* was the firſt Monarch. Now, Sir, *Nimrod* began his Reign about the One thouſand eight hundredth Year of the World: Whence I conclude thus: Either the World had no Government till *Nimrod*, or a Commonwealth may be above a thouſand Years elder than Monarchy: nay, unleſs you can find ſome Government that was neither a Commonwealth nor a Monarchy, muſt have been no leſs. I know what you will ſay, That the Government till *Nimrod* was by Fathers of Families. Why ſo, I hope, you will yield it was afterwards, at leaſt in the Line of *Shem*. Now let us compute from *Noah*, and conſider in the Poſterity of *Shem*, what Judgment may be made of the Government by Fathers of Families; or whether this were indeed, as Divines affirm, monarchical, or may not much rather be eſteemed popular.

De cor. polit.

Gen. x. 8.

Gen. xi. *Noah* had three Sons, *Shem*, *Ham* and *Japhet*; of *Shem*, by *Arphaxad* and others, deſcended *Reu*; of *Reu*, *Serug*; of *Serug*, *Nahor*; of *Nahor*, *Terah*; of *Terah*, *Abram*; of *Abram*, *Iſaac*; of *Iſaac*, *Jacob*; and of *Jacob* deſcended the Commonwealth of *Iſrael*. So much for the elder Brother, which was *Shem*. Now, Sir, for the ſecond Son of *Noah*, that is *Ham*: of *Ham* deſcended *Cuſh*, and of *Cuſh*, *Nimrod*: by which, plain it is at the firſt Sight, that the Commonwealth, as to Precedence in Dignity, is of the elder Houſe; and as to Precedence in Time, unleſs you can ſhew the Deſcendants of *Shem* to have been under Monarchy, muſt alſo have been the more ancient Government, that is, if Government by Fathers of Families were popular.

Gen. x.

Gemara Babylonia ad tit. Sanhedrim. Now as to this, *it is a Tradition with the Rabbins, that there were ſeven Precepts delivered to the Children of* Noah: 1. *Concerning Judicatories*: 2. *Concerning Blaſphemy*: 3. *Concerning perverſe Worſhip*: 4. *Concering uncovering of Nakekneſs*: 5. *Concerning the ſhedding of Man's Blood*: 6. *Concerning Rapine or Theft*: 7. *Concerning eating of Things ſtrangled, or of a Member torn from a living Creature.* This Tradition throughout the Jewiſh Government is undoubted: for to ſuch as held theſe Precepts, and no more, they gave not only, as I may ſay, Toleration, but allowed them to come ſo near unto the Temple as the Gates, and called them *Proſelytes of the Gates*. Nor do I think the Proof in Scripture of theſe Precepts, though not ſet down together, to be obſcure: as where it is ſaid, *None of you ſhall approach to any that is near Kin to him, to uncover their Nakedneſs:——for in all theſe the Nations* (that is, the Canaanites) *are defiled, which I caſt out before you.* The Canaanites were deſcended from *Ham*; and that in theſe Words it muſt be implied that they had violated the foregoing Precepts, is in my Judgment evident, ſeeing there is nothing in the Law

Levit. xviii. 6. 24.

of

of Nature why a Man might not approach in this manner unto one that is near of Kin to him.

AGAIN, that two other of theſe Precepts were given by God unto *Noah*, the Scripture is plain, where he ſaith, *Fleſh with the Life thereof, which is the Blood thereof, ſhall you not eat. And whoſo ſheddeth Man's Blood, by Man ſhall his Blood be ſhed.* Whence it muſt follow, that either Fathers of Families were not ſubject unto this Law, which becauſe it is given generally and without any Exception, were abſurd to think; or elſe that during patriarchal Government, they ſubjected themſelves unto ſome common Judicatories, according unto the firſt of the ſeven Precepts. Of which ſaith *Maimonides*, *By this the Sons of* Noah *conſtituted Judges in every City, to judge of the other ſix Precepts, and to govern the People*; *and the* Gemara Babylonia *ſaith, That this was done after the Manner that* Moſes *commanded Judges to be ſet in the Gates throughout the Tribes.* By the Advice of *Jethro* to *Moſes*, the like ſhould have been the Cuſtom of the *Midianites*, who, (as alſo the *Gibeonites*, deſcended of the ſame Line with the *Monarchy* of *Nimrod*, and for ought perhaps to the contrary, of as ancient ſtanding) were a Commonwealth. But above all, it ſhould ſeem by ſome of the Rabbins, that there was a Conſiſtory or Senate inſtituted by *Shem*, which was of Uſe with his Poſterity. Now if patriarchal Government was exerciſed by or under the common Ligament of a Senate or Conſiſtory, then was the Government of the Patriarchs of a popular Nature, or a Commonwealth; at leaſt theſe, Mr. *Wren*, muſt be diſproved by them, who will have Monarchy out of all Controverſy to be the more ancient Government. Gen. ix.

GOOD Sir, I do not know, nor do I think that this ſame Way (do you ſee?) of Diſputation hath any Predeceſſor. What do you tell me then, *that you have Cauſe to think by the laſt or any Book of mine, that my Stores of Reaſon and Arguments are brought very low?* You ſee already that it is far otherwiſe. Tell not me in this Place, that *Doderus* is as good a Book as the Bible; nor let Divines (for a Thing that I know) run here as they do from the Scripture unto Heathen Authors. It is confeſt that *Diodorus Siculus*, *Ariſtotle*, *Cicero*, *Saluſt* and *Trogus* ſay, That in the Beginning of *Things and of Nations*, *the Power was in Monarchs.* But then the Heathen Stories know nothing beyond *Nimrod*, or his Succeſſor *Belus*; which is no Excuſe to you, while the Scripture is ſo much a more ancient Record; much leſs to Divines, at leaſt ſuch of them as preach againſt the ſquaring of Government according to the Rule of Heathen Authors. Mr. *Wren*, (to be plain) there are of theſe that have a ſtrange Kind of Frowardneſs: If a Commonwealth be deſcribed out of Heathen Authors, they will undertake to prove that of *Iſrael* to have been a Government of King, Lords and Commons. And if a Commonwealth be out of this of *Iſrael* deſcribed unanſwerably otherwiſe, then they run to *Ariſtotle*, *Trogus*, and the reſt of the Heathens, for the Antiquity of Monarchy. When none of this will do, they fall flatly upon conjuring the People to take heed how they hearken unto Men of Wit, Reaſon, or Learning, and not in any wiſe to be led but by Grace, and ſuch Grace only as is without any Mixture of Wit, Reaſon, or Learning. Mr. *Wren*, I deſire them but to tell us once, what they mean by ſuch Grace as is without any Mixture of Wit, Rea- W. *Preface.*

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ſon, or Learning; and you in the mean Time to conſider, that Heathen Authors, though they give Monarchy the Precedence in Time, are very far from giving it the Van in Prudence. Nay, for this Matter you will find them ſo much of one Mind, that we need hear no more of them than *Ariſtotle*, who divides *Monarchy* into two Kinds; the one whereof he calleth *Barbarous*, and in this he relates to your *Nimrod*, or your Eaſtern Monarchs; the other *Heroick*, in which he relates expreſly to Principality in a Commonwealth, and namely, that of the *Lacedemonian* Kings. Say you then, To which giveth he the Van in Dignity; to the heroick, or to the barbarous Prudence? But it is no Matter, ſtrike up and let us have the *Rodomontado*, which it pleaſeth you ſhall be of or belong unto the preſent Scene: *This* (ſay you, for you may as well ſay it of this as of any thing elſe) *approaches very near unto raving, and gives me Cauſe to ſuſpect I have taken a wrong Courſe of curing Mr.* Harrington's *political Diſtempers. For whereas I think to do it by giving him more Light, knowing Men (and known to be of the learnedeſt in this Age) are of Opinion, that I ought to have ſhut up the Windows*, and ſo forth. Now very paſſing good indeed-law!

Pol. Lib. 3. Cap. 10, 11.

Scene II. *In Anſwer to* Chap. II.

Whether a Commonwealth be rightly defined to be a Government of Laws and not of Men, and a Monarchy to be the Government of ſome Man or few Men, and not of Laws.

THE readieſt Way, Mr. *Wren*, of Diſpatch with the preſent Queſtion, will be to ſhew how far you and I are at length agreed; *And we are agreed, that Law proceeds from the Will of Man, whether a Monarch or a People; that this Will muſt have a Mover; and that this Mover is Intereſt.*

NOW, Sir, the Intereſt of the People is one Thing; it is the publick Intereſt; and where the publick Intereſt governeth, it is a Government of Laws, and not of Men. The Intereſt of a King or of a Party, is another Thing; it is a private Intereſt; and where private Intereſt governeth, it is a Government of Men, and not of Laws. What ails ye! If in *England* there have ever been any ſuch Thing as a Government of Laws, was it not *Magna Charta?* Well, and have not our Kings broken *Magna Charta* ſome thirty Times? I beſeech you, Sir, did the Law govern when the Law was broken? Or was that a Government of Men? On the other Side, hath not *Magna Charta* been as often repaired by the People? and the Law being ſo reſtored, was it not a Government of Laws, and not of Men? I think you are wild! Why have our Kings in ſo many Statutes or Oaths engaged themſelves to govern by Law, if there were not in Kings a Capacity of governing otherwiſe? And if ſo, then by every one of thoſe Oaths or Statutes it is agreed both by King and People that there is a Government by Laws, and a Government by Men. Why Goodneſs, Mr. *Wren!* is there not a Government of Men, and a Government of Laws? Where do you dwell! Such as have laid People in Lavender for the late great Man and his Government, it is now

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now thought will be left unto the Law and her Government. Come, come; Divines and Lawyers are indeed good Men to help a Prince at a dead Lift; but they are known well enough: for they will no ſooner have ſet him up, than if he do not govern by their Laws, they will be throwing Sticks at him. But do you hear? if a Prince would be intirely freed of ſuch Danger, let him get a Parliament of Mathematicians.

WHAT Miracles hath Mr. *Hobbes* done in this Kind! and how many more are there will make you a King by Geometry? But I ſhall at this Time content myſelf, Sir, to let them paſs, and conſider only your grand mathematical Demonſtration, with the Nooks, Crooks, Angles and Appertenances of the ſame. You Gentlemen of lower Forms, be attentive; it hath paſt the Trial and Teſt of the Doctor's Academy, conſiſting of Men known to be of the learnedeſt of this Age; and the Manner thereof is as followeth.

TO be plain (and rouzing) *if the declared Will of the ſupreme Power be conſidered as the immediate Cauſe of Government, then a Monarchy is as much as a Commonwealth, an Empire of Laws and not of Men. If we look farther back, and conſider the Perſon whoſe Will is received as Law, a Commonwealth is, as much as a Monarchy, an Empire of Men, and not of Laws.*

(HERE, Sir, is your Caſt for the Game: Now, *Sir*, for your Shout.)

THIS is ſo manifeſt, and yet Mr. Harrington *ſo firmly reſolved not to underſtand it, that conſidering his Temper, I muſt needs applaud his Reſolution of having nothing to do with the Mathematicks; for half this Obſtinacy would be enough to keep him from apprehending, that the three Angles of a Triangle are equal to two right Angles.*

MR. *Wren*, you ſpit crooked Pins; you ſhould be exorciſed. For pray now hear me, did you ever ſee 'em chooſe Knights of the Shire? Thoſe ſame People, the *high Shoone*, as you call them, expect not, I conceive, that Angels ſhould come down there to ride upon their Shoulders: nor, I doubt if the Truth were known, do they greatly care for Saints; they are moſt for Men that drink well, or at leaſt for ſuch as eat good Meat in their Houſes. Nor have I found by my reading, that thoſe ſame *high Shoone* have at any time ſet the worthy Gentleman on foot, and taken his Horſe upon their Backs: by which it is manifeſt, that they do not conceive their Laws to be made by any thing above the Nature of Man, as Angels; or below the Nature of Man, as Horſes. Now, Sir, all you have proved by your wonderful Mathematicks, is, that Laws are neither made by Angels nor by Horſes, but by Men; therefore the *high Shoone* are as good Mathematicians as your ſelf. The Voice of the People is as much the Voice of Men, as the Voice of a Prince is the Voice of a Man; and yet the Voice of the People is the Voice of God, which the Voice of a Prince is not, no not as to Law-giving, the Voice of the Prince who was a Man after God's own Heart: for thus *David* propoſeth unto the Congregation of *Iſrael*; *if it ſeem good unto you, and that it be of the Lord our God—let us bring the Ark to us.* *David* in Matter of Law-giving, maketh not himſelf, but the People judge of what was of God; and the Government of Laws, ſaith *Ariſtotle*, is the Government of God. 1 Chro. xiii.

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Mr. *Wren*, were you contented to be no wiſer than *Titus Livius*, (who in paſſing from the Government of the *Roman* Kings unto that
Liv. li. 2. of the Commonwealth, hath this Tranſition; *I come now unto the Empire of Laws more powerful than that of Men*) ſome who conceive the ſaid *Titus* to have done paſſing well, would think you the better Politician, for not taking the upper Hand of him. You will not find that *Auguſtus Cæſar*, in whoſe time this Author wrote, did ſet any Mr. *Wren* upon him; which is a ſhrewd Suſpicion that *Princes* in that Age either wanted ſuch a Wit as you are, or would ſcarce have thanked you for your ſubtil Argument, ſomewhat too mercurial to ſtay even in your own Head. For do not you yourſelf ſay in another Place, that
W. p. 171. *a Commonwealth having no Eyes of her own*, (as if this of all other were a Mark of Blindneſs) *is forced to reſign her ſelf to the Conduct of Laws?* What imply you in this, leſs than that a Monarch is not forced to reſign himſelf unto the Conduct of Laws? Or what leſs can follow from this Confeſſion of your own, than that a Commonwealth is a Government of Laws and not of Men, and that a Monarchy is a Government of a Man, or ſome few Men, and not of Laws? Nay, Mr. *Wren*, nor is it once that your Mind miſgives you; for ſoon after you
W. p. 172. are at it again, in ſhewing what you fancy *befals a Commonwealth as ſhe is a Government of Laws.*

But now, for Joy, let me my Cap up throw;
For one thing I have ſaid, is Senſe, I trow.

SIR, for this Rhime I have ſome Reaſon; ſeeing in a Monarchy, that the Laws being made according to the Intereſt of one Man or a few Men, muſt needs be more private and partial, than ſuits with the Nature of Juſtice; and in a Commonwealth, that Laws being made by the whole People, muſt come up to the publick Intereſt, which is common Right and Juſtice; are *Propoſitions*, which Mr. *Wren* can confeſs *to have indeed ſome Senſe in them.* But this Milk, alas! is kick'd down again, while you add, *that they have not any more Truth than thoſe other which wanted Senſe.* Now this is a ſad Caſe; yet ſuch, as you ſay, *will be apparent, if we examine the different Tempers of a ſingle Perſon, and a multitude acting Laws.*

ARE we no farther yet? I verily believed that the different Temper of a ſingle Perſon, and of a popular Aſſembly, had been long ſince conſidered in the Propoſitions already granted, in as much as the ſingle Perſon is tempered by a private, the Multitude by the publick Intereſt: which were heretofore by your ſelf acknowledged to be the firſt Movers of Will, and ſo the efficient Cauſes of Law. If your Mathematicks, or what ſhall I call them? would but hold to any thing, we might have ſome End. But for the Diſcovery of theſe *different Tempers*, you forget all that is paſt, and begin a-new in this manner.

When a Monarch acts the Legiſlator's Part, he ought to be ſo far from Partiality, or reſpecting his own private Intereſt, that he is then chiefly to direct his Thoughts to the common Good, and take the largeſt Proſpect of publick Utility, in which his own is ſo eminently included.

THIS Propoſition then of yours is oppoſed to mine, or thoſe in which you ſay there is ſome Senſe, but no Truth: ſo in this, both the Senſe and the Truth ſhould be apparent. But Mr. *Wren*, if I ſhould ſay, that the Father of a Family, in giving Rules to the ſame, ought to be ſo far from reſpecting his private Intereſt, or the regard of keeping his whole Eſtate and Command unto himſelf, and holding the Servants

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vants that live upon him, ſhort, or in neceſſity to obey him, and work for him, that he were to take a larger, nay, the largeſt Proſpect of what is the publick Utility of the Men that ſerve him, which is to attain unto means whereby to live of themſelves: ſhould I ſay that a Father of a Family would find the common and natural Intereſt of his Servants, which is to be free, that wherein his own Intereſt, which is *to have Servants*, is eminently included; I am confident you would neither allow this Aſſertion to be Truth or Senſe. The like I ſay to your Monarchy, whether it be by a ſingle Perſon, or by a Nobility. A Monarchy not keeping the People in Servitude, is no Monarchy; therefore either Servitude muſt be the Intereſt of the People, or the Intereſt of the People is not that, to which a Monarch ought chiefly to direct his Thoughts. Yet *can you not believe that there are many Examples to be produced of Princes, who in enacting Laws have conſidered their own private perſonal Intereſt:* You are coſtive of Belief, Mr. *Wren:* Conſider the *Turkiſh* and *Eaſtern* Monarchies, and ſhew me any one of their Laws from any other Principle. It is true, in Monarchies by a Nobility, or by Parliaments, Princes have not in enacting Laws, been able to make ſo thorough Work: for which Cauſe, leſt Laws ſo enacted ſhould give check unto this private Intereſt ſo eſſential to Monarchy, they have ſtill been breaking them. But neither can you believe that Laws have been broken by any Prince, *ſeeing that in buying and ſelling, and other private Contracts, Princes are content to tie themſelves up to the ſame Rules which they preſcribe to others.* Rare! A King that plays fair at Piquet, can never break *Magna Charta*. *Cæſar* paid no leſs for an Horſe than another Man; therefore *Cæſar*'s Monarchy was a lawful Purchaſe. O! but *ſuch Laws*, as upon that occaſion were made by *Cæſar*, *were neceſſary to attaining the Ends of Government:* Good! and ſo that which is neceſſary unto a private Intereſt, or a ſingle Perſon, towards the attaining unto the Ends of Government, the ſame cometh up to the publick Intereſt, which is common Right and Juſtice. Is this diſputing, Mr. *Wren*, or is it fidling? Yet again: *A Prince breaketh not the Law, but for the publick Tranquillity.* Wonderful! not the Tinkers that fight, but the Conſtable breaks the Peace. That the *Poſſe Comitatus* is according unto the Laws; or that there is a War in the Law for the Maintenance of the publick Peace, I have heard; but that the publick Peace is in any Caſe by the Breach of the publick Peace, whereof the Laws only are the Bond, to be defended, in good earneſt I have not formerly heard. Yet take heed, I pray. On this ſide of yours, there muſt be no *fond Imagination:* but on the other ſide, ſay you, *there can be no fonder Imagination, than to think that* (in the Republick of *Iſrael* framed by God or *Moſes*, in the four hundred thouſand that judged *Benjamin*, in all, in any of the Commonwealths) *or when any Multitude is aſſembled to enact Laws, it is neceſſary their Reſolutions* (though thoſe of a ſingle Perſon muſt) *ſhould be conſonant to publick Juſtice.* I have a weary Life with you, Mr. *Wren*, and with ſuch of your Admirers, as if at their Pleaſure I pick not Straws, can ſoberly and ſeriouſly reſolve you to be Conqueror of Mr. *Harrington*; what is that? nay, of *Moſes*, of *Solon*, and *Lycurgus*. The Straw that is your firſt Lance in this Encounter, is, that *a great Part of this Multitude* (ſo you will have it called, though Politicians underſtand not a People under Orders by the Word *Multitude*, but the contrary) *will not, for want of Capacity, comprehend what this Juſtice and Intereſt is.*

SIR,

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SIR, if a Man know not what is his own Intereſt, who ſhould know it? And that which is the Intereſt of the moſt particular Men, the ſame, being ſummed up in the common Vote, is the publick Intereſt. O! but the *abler ſort will preſently be divided into Factions and Juncto's; and under Pretence of publick Intereſt, will proſecute their own Deſigns.*

BUT, good Sir, if theſe abler ſort act as a Council under a ſingle Perſon, what ſhould hinder them from doing the like, except they debate only, and propoſe unto the Prince, who only may reſolve? Wherefore if in popular Government the Senate or Council of the People have no more than the Debate, and the Reſult remain wholly unto a popular Council having no Power to debate; how can the abler Sort any more divide into Juncto's or Factions under popular Government, than under Monarchical? Speak your Conſcience; the Intereſt of the People being as you ſay, that *Juſtice be impartially adminiſtred, and every Man preſerved in the Enjoyment of his own*; whether think you the more probable Way unto this End, that a Council, or the abler ſort, propoſe, and a ſingle Intereſt, that is, a ſingle Perſon, reſolve; or that the abler ſort propoſe, and the common Intereſt, that is, the whole People, have the Reſult? O! but take heed; for *it is to be remembred, that the greateſt Part of Laws concerns ſuch Matters as are the continual Occaſion of Controverſy between the People of a Nation, ſuch as regard Regulation of Trade, Privileges of Corporations*, &c. Sweet Mr. *Wren!* are there more Corporations in *England*, than diſtinct Sovereignties in the United Provinces? Have thoſe People no Trade in compariſon of ours? Or what Quarrels have they about it? Perſuade them to have a King; and to this End be ſure you tell them, that if we had not had Kings in *England*, there had certainly inſtead of the Barons Wars, been Wars between the Tanners and Clothiers; and inſtead of thoſe of *York* and *Lancaſter*, others between the Shoemakers and the Hoſiers. Say, if you have any Ingenuity, do you not make me pick Straws? But the longeſt Straw comes here *after all*, ſay you.

IT being eſſential to popular Aſſemblies, that the Plurality of Votes ſhould oblige the whole Body, thoſe Laws which lay claim to the Conſent of all, are very often the Reſolutions of but a little more than half, and muſt conſequently go leſs in their Pretenſions to publick Intereſt.

GENTLEMEN, here are forty of you, whereof five and twenty ſee in yonder Grove a Rook's-neſt, which the other fifteen of you ſee not; now, Gentlemen, is that leſs a Rook's-neſt for this? Or do theſe five and twenty ſee farther than thoſe fifteen? If ſo it be with every thing that is to be ſeen, felt, heard, or underſtood, how cometh the World to be reſolved otherwiſe upon any thing, than that, *quod pluribus viſum id valeat*, which appeared unto the moſt, is moſt authentick? And what can you deſire more of Certainty in a Government, than all that Certainty which can be had in the World?

IT was even now that we came from the Prince to the People; now from the People to the Prince again. Good Mr. *Wren*, why do you ſay, or whoever ſaid the like, *that thoſe Laws which are reputed the People's greateſt Security againſt Injuſtice and Oppreſſion, have been eſtabliſhed by the Authority of ſome Prince?* Do you find any ſuch thing in *Iſrael*, *Athens*, *Lacedemon*, *Rome*, *Venice*, *Holland*, *Switz?* But you equivocate; as to Authority in Princes, Magiſtrates, or ſole Legiſlators,

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lators, in Matter of Law-giving, you well know that I am for it; but not as you impoſe upon this Term for their Power. Thus be it granted, that *Alfred*, *Edward*, *Lewis*, *Alphonſo*, *have been excellent Legiſlators*; what is this to Power, or to your Purpoſe, ſeeing the Laws propoſed by Authority of theſe Princes, were enacted no otherwiſe than as *Poining's* Laws, by the Power of the People, or Aſſemblies of their three Eſtates? *But above all*, ſay you, *ſeveral of the Roman Emperors, and chiefly* Juſtinian, *have fabricated thoſe Laws ſo much admired for their Reaſon and Equity, which have ſtretched themſelves farther than ever the* Roman *Legions were able to march, and which are ſtill embraced by thoſe People, who have long ſince ceaſed to acknowledge the* Roman *Empire*. Herein you have paid your ſelf to ſome Purpoſe: for moſt eloquent Mr. *Wren*, who but your ſelf ſaith, that *Juſtinian* fabricated thoſe Laws you ſpeak of? I have heard indeed, that he compiled them; and ſurely, Sir, in that Work of his, he did but new vamp the old Boots of the People of *Rome*. Nay, good Mr. *Wren*, your *Roman* Emperors at the gallanteſt were no better; for the full Proof whereof, I need go no foot farther than your own ſweet ſelf; for do not you give out of *Juſtinian* this very Definition of a Law; *Lex eſt, quod Populus Romanus Senatorio Magiſtratu interrogante (veluti conſule) conſtituebat?* How ſay you then, that *Juſtinian* fabricated theſe Laws, which he plainly telleth you, were propoſed by the Senate, and reſolved by the People of *Rome?* Do you ſee what your Emperors themſelves acknowledged to have been a Government of Laws, and more excellent than a Government of Men, though they themſelves were the Men that governed? And you yourſelf have ſaid enough to confirm, that the Juſtice of the dead People went farther than the Arms of the living Emperors; nay, and that ſuch Laws as are yet of the greateſt Treaſures in the World, are ſtill extant of the *Roman* People, though of the Emperors there remain nothing that is good. *W. p. 59.*

BUT ſay you, *on the other ſide* (you may pleaſe to ſay as you will, but it is on the ſame ſide yet) *thoſe Commonwealths that have been moſt celebrated for their Laws, have received them from the Hands of a ſole Legiſlator*, which both Words and Things, though you liſt not to acknowledge it, every Body knows that I taught you. Now let us ſee how you can hit me with my own Weapon; *therefore it may be doubted, whether theſe People of* Athens *and* Lacedemon *thought ſo well of themſelves, as Mr.* Harrington *ſeems to do of popular Aſſemblies*. Why, do not I ſay, that a popular Aſſembly, as to the Formation or fabricating of Government, through the want of Invention, muſt of Neceſſity have ſome ſole Legiſlator? What Fault do you find with Mr. *Harrington?* Why, *that with ſuch repeated Confidence he aſſerts, that the People never fail to judge truly of the publick Intereſt, where* (the Legiſlator) *the Senate diſcharge their Duty*. And what have you been ſaying all this while in theſe Examples of *Solon* and *Lycurgus*, whoſe Laws being by them prudently propoſed unto the People, were as prudently judged, and thereupon enacted by the People? So likewiſe for the *Roman* Decemvirs: for if you think that theſe did any more than propoſe to the People, or that any Law of theirs was otherwiſe good than as voted and commanded by the People, you ſhould go to School. Yet that if the Legiſlator or the Senate divide well, the People ſhall be ſure to make a good Choice, *you muſt confeſs is too hard for your Faith*. Why if

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it be Matter of Faith, you might have let it alone. But do you think it right in civil Matters, that the Tenderneſs of Faith ſhould ſupply the want of Senſe in you? or what is the Scruple can yet remain in your Conſcience? Goodneſs! the Obſervation which *Anacharſis* made, who ſaid of the popular Aſſemblies in *Greece*, that *wiſe Men propounded Matters, and Fools decided them.* Why, Mr. *Wren*, *Anacharſis* would not loſe his Jeſt, and you cannot find it. Do you think that the Commonwealths of *Greece* thought *Anacharſis*, for this fine thing, wiſer than *Lycurgus*, *Solon*, or themſelves? Why, Mr. *Wren*, in this Earneſt you make yourſelf the Jeſter. But let you alone, you will be the Gaſcon ſtill; that which is thrown out of the Windows where-ever you come, is no leſs than the whole Houſe; or if you leave any thing, it is but that you are weary *to diſcover all the weak Arguments and falſe Inferences of Mr.* Harrington, *as a Work to others of ſmall Profit, and to your ſelf of little Glory.* Poor Mr. *Harrington!* He will now leave you a while to take breath, and confer a little with your Patron.

DOCTOR *Wilkins* having laughed ſo much as is ſuggeſted in the Epiſtle, ſhould not methinks be altogether left out of our Game. He
B. 1. *c.* 14. in his Book called *Mathematical Magic*, pretends to a *Balance* too. And his *Balance* is made for all the World like a Jack; the whole Force of which Engine conſiſteth in two double Pullies, twelve Wheels and a Sail; the Sail is inſtead of the Creſt of the Jack, at which a Fellow ſtands blowing; and by blowing in this manner, the ſaid Author pretendeth to demonſtrate mathematically, that the ſaid Fellow, with the ſaid Jack, ſhall tear you up the ſtrongeſt Oak by the Roots. This, to Men who know that ſome Ships in a Storm will break the ſtrongeſt Anchor that is made of Iron, and the ſtrongeſt Cable that is made of Hemp, muſt needs be wonderful: of what then muſt this Jack and this String be made, that it break not before it fetch up this Oak? Nay, how can any Man blow a Million of Years together?
Ch. 16. Or if he could, where would the Oak or the Jack be? And in a leſs time the Oak it is confeſt could not by this Means be removed one Inch. This nevertheleſs muſt be a Mathematical Demonſtration. Goodneſs! what Stuff is here for Mathematicians, upon which to uſurp Demonſtration in ſuch wiſe, that it muſt be forbidden unto all the reſt of Mankind?

MR. *WREN*, I have *Du Moulin*, and *Sanderſon*; will you deny theſe Authors to be good Logicians? Upon the Credit of my two Eyes, in all their Examples of Demonſtration, they have not one that is mathematical. Are not they clearly on my Side then, that there may be Demonſtration, and yet not mathematical? Why ſure there may, Sir; nay, and ſuch a Demonſtration may be every whit as valid and convincing, as if it were mathematical. For this I appeal to Mr. *Hobbes: All true Ratiocination*, ſaith he, *which taketh its Beginning*
Elements, p. 63. *from true Principles, produceth Science, and is true Demonſtration.* This afterwards he declares *in all ſorts of Doctrines* or Arts, and conſequently in the Politicks, to be holding. Wherefore, ſay I, if we Commonwealthſmen have nothing that can be ſo ſtrong or holding as this ſame Jack and Jack-line of Doctor *Wilkins*'s, let us e'en with Patience turn the Spit, while our Salary Men eat the roaſt Meat.

BUT now, Sir, mark me well: *What was always ſo and no otherwiſe, and ſtill is ſo and no otherwiſe, the ſame ſhall ever be ſo and no otherwiſe.* What think you of this for a Principle? A Principle which is

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right and ſtraight, ſhould be ſuch as admitteth of as little Proof or Denial, as that the Fire burns. I can no more prove the one than the other: wherefore if you can no more deny the one than the other, by the leave of your Mathematicians, this Principle is no leſs ſure and certain than the beſt in their Art: and what *Ratiocination* I uſe in my Politicks, *that taketh not its beginning*, or is not legitimately and undeniably derived from this Principle, I am contented ſhould go for nothing. What would you have more? Or, why muſt I be hit in the Teeth with the want of Demonſtration? Stand away, I will demonſtrate that's certain: but here is the Miſchief; not every Man that pretends unto Underſtanding in the Politicks, hath converſed with them; and ſo in theſe, through mere want of Underſtanding, a Man will confidently deny, what in other Converſation, where he is more ſkilled, he would be aſhamed to queſtion. For this Cauſe I will not fall full butt upon the Politicks at firſt daſh, but begin fairly and ſoftly, *Puris naturalibus.*

THAT Converſation, which with Men is moſt general, I apprehend, to be with Women: and ſo here I come with my firſt Demonſtration.

WHAT was always ſo, and not otherwiſe, and ſtill is ſo, and not otherwiſe, the ſame ſhall ever be ſo, and not otherwiſe.

BUT, Sir, Women have been always ſome handſome, and ſome unhandſome, and not otherwiſe, and Women ſtill are ſome handſome, and ſome unhandſome, and not otherwiſe.

THEREFORE, Women ſhall ever be ſome handſome and ſome unhandſome, and not otherwiſe.

MR. *WREN*, the Reaſon why I begin to demonſtrate in this manner, or in ſomething merely natural and known to every Body, is, that otherwiſe I ſhould never ſtave Men off from ſaying, that *what was always ſo, and not otherwiſe, and ſtill is ſo, and not otherwiſe, muſt ever be ſo, and not otherwiſe*, muſt needs be true; that is, except a Man can give a Reaſon why it may be otherwiſe. This is that when I come unto the Politicks, things not leſs natural, but only more remote from Men's *Knowlege* or *Acquaintance*, which they will be all ſure enough to return. Wherefore let them begin here to ſhew me ſuch Reaſon as hereafter they will aſk, that is, why Women, notwithſtanding what is paſt or preſent, may for the future be all handſome. Would not the undertaking of ſuch an Adventure be a notable ridiculous Piece of Knight Errantry? In ſooth, Mr. *Wren*, though Men will not ſo eaſily ſee it, it is no otherwiſe in the Politicks, which are not to be erected upon Fancy, but upon the known Courſe of Nature; and therefore are not to be confuted by Fancy, but by the known Courſe of Nature. Remember, Sir, Anatomy is an Art; but he that demonſtrates by this Art, demonſtrates by Nature, and is not to be contradicted by Fancy, but by Demonſtration out of Nature. It is no otherwiſe in the Politicks. Theſe things therefore being duly conſidered, I proceed.

WHAT always was ſo, and ſtill is ſo, and not otherwiſe, the ſame ſhall ever be ſo, and not otherwiſe.

BUT where the Senate was upon Rotation, and had not the ultimate Reſult, there was not any Feud between the Senate and the People; and where the Senate is upon Rotation, and hath not the ultimate Reſult, there is no Feud between the Senate and the People.

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THEREFORE, where the Senate ſhall be upon Rotation, and not have the ultimat Reſult, there ſhall be no Feud between the Senate and the People.

I KNOW the humour of theſe Times: though any thing that will patch be now called Prudence, it will be known that what is after this manner undeniably deducible from the major of theſe Propoſitions, is Prudence or Policy, and no other.

BUT Mr. *Wren*, true it is that the Demonſtration given is but ὅτι. *Hoti*, that is, from the Effect; which tho a certain Effect imply a certain Cauſe, and come after that manner to be as good and undeniable a Proof as the other Demonſtration; yet becauſe this is not ſo honourable an Argument as the other, I ſhall now give you the ſame, διοτὶ *Dihoti*, or from the Cauſe.

WHERE the Senate hath no Intereſt diſtinct or divided from the Intereſt of the People, there can be no Feud between the Senat and the People.

BUT where the Senate is upon Rotation, and hath not the ultimate Reſult, there the Senate can have no Intereſt diſtinct or divided from the Intereſt of the People.

THEREFORE, where the Senate is upon Rotation, and hath not the ultimate reſult, there can be no Feud between the Senate and the People.

SIR, this I ſay is *Dihoti:* and ſeeing it is a Cuſtom with you to give my things a turn over the Tongue, I am reſolved hereafter to *hoti* them and *dihoti* them in ſuch manner, as ſhall make you take your Teeth. You will ſay, that I am a *paſſionate Gentleman.* But what hath any Man to do in this place to tell me of the Feuds between the Senate and the People of *Rome*, or thoſe of the States in regulated or Gothick Monarchies? Did I ever undertake to *hoti* or *dihoti* any of theſe? If they break looſe, let them look to that whom it concerneth. Nevertheleſs, I ſay, that Laws, whether in Commonwealths or regulated Monarchies, are made by Conſent of the Senate and the People, or by Conſent of the States, or Lords and Commons. And I pray you Mr. *Wren*, what is in your Allegation to confute this Saying? Your Words are theſe.

IF any one of theſe States have, in caſe of Difference, a juſt Power to force the Obedience of the other, it is all one as if they were private Perſons; but if no one of them be acknowledged to have ſuch Power, then it comes in caſe of Diſagreement to a State of War.

BUT doth this prove, that in caſe of a Senate upon Rotation, there may be Feud between them and the People? or that Laws in regulated Monarchy are not enacted by the Lords or Commons? You might as well have argued thus, Mr. *Wren:* Theſe ſame Lords and Commons have Power enough to diſagree, or make Wars; therefore they have no Power to agree or to make Laws: Or what doth this concern me?

BUT now for the Jig at parting. Mr. *Hobbes* ſaith, that *Ariſtotle and Cicero wrote not the Rules of their Politicks from the Principles of Nature, but tranſcribed them into their Book out of the Practice of their own Commonwealths, as* Grammarians *deſcribe the Rules of Language out of the Practice of the Times.* Mr. *Wren*, if I had anſwered Mr. *Hobbes* thus; That the whole Force of his Argument amounted

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but to this, that becauſe Grammarians deſcribe the Rules of Language out of the Practice of the Times, therfore *Ariſtotle* and *Cicero* did ſo in their Diſcourſes of Government; what would you have ſaid? But becauſe Mr. *Hobbes* doth not prove, but illuſtrate what he ſaith by way of Similitude; therefore I anſwer him by way of Similitude in this manner: " That for Mr. *Hobbes* to ſay, *Ariſtotle* and *Cicero* wrote " not the Rules of their Politicks from the Principles of Nature, but " tranſcribed them into their Book out of the Practice of their own " Commonwealths, is as if a Man ſhould ſay of the famous *Harvey*, that " he tranſcribed his Circulation of the Blood, not out of the Principles " of Nature, but out of the Anatomy of this or that Body." Yet you anſwer me, that *the whole Force of this Objection amounteth but to this; That becauſe* Harvey *in his Circulation hath followed the Principles of Nature, therefore* Ariſtotle *and* Cicero *have don ſo in their Diſcourſes of Government.* Mr. *Wren*, I have complained of you for repeating me fraudulently, but not ſo often as I might: for whereas upon this Occaſion I told you, " That a Similitude is brought for Illuſtra- " tion, or to ſhew how a thing is, not to prove that it is ſo:" You repeat me thus: *Mr.* Harrington *aſſured me in his laſt Book, that he produced this only as a Similitude, and never intended that any Man ſhould look for Reaſon or Argument in it.* Sir, though a Similitude have not that Proof in it, which may draw a Man, yet it hath ſuch Inducement in it as may lead a Man. But, why ſhould I be troubled, ſeeing in the cloſe you *heartily crave my Pardon?* Good Mr. *Wren*, abundantly enough: Nay, no more, no more, I beſeech you. Look you, do what I can, he will be making Reparation too. Well then, if it muſt be ſo, what is it? Why, ſay you, *by way of Reparation to Mr.* Harrington, *I make here a ſolemn Declaration, that for the future he ſhall have no Cauſe to accuſe me for expecting Reaſon or Argument in any of his Diſcourſes.* O Ingenuity! he confeſſeth that he hath taken my Similitude for an Argument, my Gooſe for my Pig; and the Satisfaction promiſed comes to this, that he will take my Arguments for Similitudes: when he ſhould be ſhooing my Gooſe, he is ſoling my Pig? for which he will make, as ye ſhall find hereafter, this Amends, that when he ſhould be ſoling my Pig, he will be ſhooing my Gooſe. Mr. *Wren*, good Night.

THE next is the Balance. Gentlemen, to Morrow we play Hunks that bears thirty Dogs.

Hunks of the Bear-Garden to be feared if he come nigh one.

Pour enclouer le Canon.

IT is obvious and apparent unto Senſe, that *Venice*, *Holland*, *Switz*, are not moleſted with Civil War, Strife or Sedition, like *Germany*, *France*, *Spain*, and *England*; yet will Men have a Commonwealth to be a Confuſion. What Confuſions, we have had in *England*, while the Norman Line ſtrove for abſolute Power; while the Barons ſtrove for ancient Liberty; while the Houſes of *York* and *Lancaſter* ſtrove for

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Royal Dignity; and laſt of all, during theſe eighteen Years, in the Wars that have been between the King and the People, in the Difference of Judgment both concerning Religion and Government, and under the perfidious Yoke of the late Tyranny, is known. At the Apparition, or but Name of a Commonwealth, and before any ſuch Orders are introduced, or perhaps truly underſtood, all Men, or the moſt of them, are upon a ſudden agreed that there be a good and perfect Fixation of the Army unto the old Cauſe; and that the Remnant of the Long Parliament be aſſembled: ſo we have this for a Taſte or Reliſh of a Commonwealth, that of the eighteen, the preſent Year is already the moſt unanimous. Nor can this be attributed unto Chance; ſeeing the Wit of Man, our Caſe conſidered, could not, I think, have invented a more natural and neceſſary Way of launching into the Orders of a Commonwealth, than firſt by Fixation of the Army ſo, as no Council enſuing may have any ambitious Party on which to ſet up: and then to aſſemble that Council, which hath given Teſtimony of it ſelf, to have been the moſt popularly addicted. By theſe it is no leſs than demonſtrated, that the Army is faithful, and the People, for the moſt active Part of them, which in like Caſes cometh to more than all the reſt, is wiſe. Be it granted, that the far greater Part of them (*Libertatis dulcedine nondum experta*) would force us unto the Continuation of Monarchy, if they could, this is the old Temper of a People in like Caſes: thus the *Romans*, upon the Death of *Romulus*, forced the Senate, who would have introduced a Commonwealth, to elect *Numa* with the ſucceeding Kings; and could not be brought unto the Abolition of Monarchy, till it was impoſed upon them by *Brutus* to abjure it. Nevertheleſs, this People having once taſted of Liberty, were of all others the moſt conſtant Aſſertors of the ſame. It cauſeth with the beſt Politicians Deſpair, and, as it were, a kind of Tearing themſelves, that the People, even where Monarchy is apparently unpracticable, and they have no Way but a Commonwealth or Confuſion, hold their ancient Laws and Cuſtoms unalterable, and perſecute ſuch as adviſe the neceſſary Change of them, how plainly ſoever demonſtrated, as Authors of Innovation, with Hatred, if not in Tumult and with Violence, as when *Lycurgus* in a like Aſſault loſt one of his Eyes. Here is the Diſcouragement; the many through Diverſity of Opinions, want of Reach into the Principles of Government, and Unacquaintance with the Good that may by this Means be acquired, are never to be agreed in the Introduction of a new Form: but then there is alſo this Conſolation, that the *many* upon Introduction of a new Form, coming once to feel the Good, and taſte the Sweet of it, will never agree to abandon it. This is all the Comfort that Politicians, in like Caſes, have been able to give themſelves, upon Conſideration of the Nature of People in general. But if we conſider the Nature of the People of *England*, I am much deceived, or the Conſolation of knowing Men, and good Patriots, may yet be far greater. For though the People of *England* may be twenty to one for Monarchy, they are but deceived by the Name, ſeeing they having of late Years been more arbitrarily governed than formerly, deſire no more under this Name, in the Truth of their Meaning, than not to be at the Will of Men, but return unto the Government of Laws; for the late Monarchy being rightly conſidered, was indeed no more than an unequal Commonwealth; only here

See M. B. 1. c. 9.

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is the Fault of all unequal Commonwealths; they pretend to be Governments of Laws, and at the ſame time defer unto ſome one, or few Men, ſuch Power, Prerogative and Preheminence, as may invade and oppreſs Laws; which Fault was the Cauſe of perpetual Feud, or at leaſt Jealouſy between our Kings and our Parlaments. But there is in Relation unto the People of *England*, yet a greater Encouragement unto Commonwealthſmen, for though if we look upon the true Cauſe of Popular Government, the Balance hath been many Years in turning, yet ſince it came to be ſo perceivable as to cauſe any Mention of a Commonwealth, it is but a ſhort Time. Should we go ſo far as to compute it from the Beginning of the late War, it exceedeth not eighteen Years, in which the Eyes and Affections of the People are ſo wonderfully opened and extended, that I do not think there are fewer than fifty thouſand of the more active and knowing that drive vigorouſly at a Commonwealth; while the reſt are not only calm and paſſive, but mature for any good Impreſſion without Danger, or indeed Appearance of any War or Tumult that can enſue upon the Introduction of a new Form: nor is there the leaſt Improbability that an equal Commonwealth may be receiv'd with Embraces, ſeeing a Tyranny came not only in, but was ſupported without Blood. But if People for the Extent of their Territory, and for their Bulk or Number ſo great as this of *England*, ſhould fall (to take a larger Compaſs than I hope we ſhall need) within the Space of thirty Years out of Monarchy, to which they have ever been accuſtomed, into a Commonwealth of which they have had no Experience nor Knowledge, and that (except in the Ruin of Monarchy, which, how infirm ſoever, uſeth not to expire otherwiſe) without Rapine, War, or indeed without any great Couſuſion, I doubt whether the World can afford another Example of the like natural, eaſy and ſudden Tranſition of one Government into another. Yet ere two Parts in three of this Time be expired, Men can be deſpairing. In what, ſay they, have you ſhewn us, that we muſt neceſſarily be a Commonwealth? Why in this, ſay I, that you cannot ſhew me how we ſhould be anything elſe. In what Poſture, ſay they, do we ſee the People to give us this Hope? Why in the very beſt, ſay I, that in this State of Affairs, a People, if you conſider their Humour or Nature, could have caſt themſelves into. This Poſture or Return is thus, or at leaſt thus I take it to be. The Armies of this Nation by Reſtitution of their old Officers, are fixed, reſolved upon, and encouraged by the moſt active Part of the People towards the Proſecution of the old Cauſe, or introduction of a popular Form. The framing of this Form is modeſtly and dutifully defer'd by them unto the civil Power in the Reſtitution of the Long Parliament, in that Remnant of the ſame, which declared for, and obligeth themſelves unto this End.

NOW putting this to be the Caſe, I come to the Scope of this Paper, which is to diſcourſe upon this Poſture; in which to my Underſtanding, there are but three Things that can interpoſe between us and a Commonwealth, and but two more that can interpoſe between us and an equal Commonwealth. The Things that may interpoſe between us and a Commonwealth, are ſuch Monarchy, as can no otherwiſe get up than by foreign Invaſion; or Tyranny, which at the ſtrongeſt among us was not of any Duration, and which changing Hands muſt ſtill be weaker. Of theſe two, they being only poſſible, and not a whit probable,

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probable, I ſhall ſay no more. But the third Thing which can interpoſe between us and the Commonwealth is Oligarchy, which in like Caſes hath been more probable and incidental, than I conceive it to be at the preſent. Such a Thing if it be introduced among us, is moſt likely to be of this Form.

IT may conſiſt of a Council not elected by the People, but obtruded upon us, under the Notion of a Senate or a Balance, or of Religion; and it may be for Life, or for ſome certain or pretended Term, with a Duke or princely Preſident at the Head of it, or without one.

THE Power at which ſuch a Council doth naturally drive, is to call Parliaments, and to govern in the Intervals. But the Succeſs of ſuch Council, will be, that if in calling Parliaments, it do not pack them, it will be forthwith ruined; and if it do pack them, then the Caſe of ſuch a Council, and a Parliament, will be no otherwiſe different from the Caſe of a ſingle Perſon and a Parliament, than that more Maſters, leſs able to ſupport, their Greatneſs, and whoſe Greatneſs we ſhall be leſs able to ſupport, will be a Burthen by ſo much more heavy, than one Maſter more able to ſupport his Greatneſs, and whoſe Greatneſs we were more able to ſupport. But this will either not be, or be of no Continuance.

THE Things that can interpoſe between us and an equal Commonwealth, are either a Senate for Life, or an Optimacy.

THE ſeventy Elders in *Iſrael* were a Senate for Life: this though conſtitutively elected by the People, became after the Captivity, or in the *Jewiſh* Commonwealth (how anciently is uncertain) meer Oligarchy, by the Means of Ordination; no Man being capable of Magiſtracy, except he were a Preſbyter, no Man being made a Preſbyter but by laying on of Hands, and the Prince with the Senate engroſſing the whole Power of laying on of Hands.

NOR were the People thus excluded, and trampled upon by the Phariſees, under other Colour than that of Religion, or Tradition derived in their Oral Law or Cabala from *Moſes*, in whoſe Chair they ſat, and not only pretended their Government to be a Government of Saints, but in ſome Things bad fairer for that Title than others, who aſſumed it afterwards. For that they did Miracles, is plain in theſe Words of our Saviour unto them: *If I by Beelzebub caſt out Devils, by whom do your Children caſt them out? therefore they ſhall be your Judges*, Mat. xii. 27. By which I may believe that Miracles themſelves do not in any wiſe oblige us to hope that ſuch a State of Government can be religious or honeſt; much leſs, where there are no Miracles, nor any ſuch certain Diſtinction to be outwardly made between a Saint and an Hypocrite, as may ſecure us that we ſhall not have Hypocrites impoſed upon us for Saints. The ſureſt Teſtimony of Saintſhip in Rulers, is, when they are willing to admit of ſuch Orders in Government, as reſtrain the Power to do wickedly, or of lording it over their Brethren.

UPON the Pattern of the High-prieſt, and the ſeventy Elders, aroſe the Government of the Pope and his ſeventy Cardinals, pretending alſo unto Saintſhip; which nevertheleſs is as little yielded unto them, as they aſſume that a Council of Seventy for Life is a good Guard of the Liberty of Conſcience.

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THE next Senate for Life, was that of *Lacedemon*, conſiſting of two Kings hereditary, and twenty eight Senators elective. Theſe notwithſtanding they were not eligible but by the People, and at the ſixtieth Year of their Age, and by the Balance or equal Agrarian of their Commonwealth, could not any one of them excel the meaneſt Citizen in their Lot, or Shares in Land; ſo vigorouſly attempted to draw the whole reſult of the Commonwealth unto themſelves, that if the People had not ſtriven as vigorouſly for the Preſervation of their Right, they had been excluded from making their own Laws. The Expedient found out by the People in this Exigent, was their Election of five annual Magiſtrates out of their own Number, called the *Ephori*, with Power to try, condemn and execute any of their Kings or Senators, which thenceforth ſhould go about to ſubvert the fundamental Laws of their Government, by which it belonged unto the Senate to debate and propoſe only, and unto the Aſſembly of the People to reſolve. Without this Expedient (which in another Commonwealth not planted upon a like Agrarian, would have availed little, as the *Roman* People heard afterwards by their Tribuns) had the People of *Lacedemon* through a Senate for Life been deprived of their Liberties.

THE *Roman* Commonwealth was alſo founded upon a Senate for Life; which, though firſt inſtituted by Election of the People, came afterwards to be ſuch into which their Children found other Admittance, in ſuch Manner as from hence grew a *Patrician* Order, ingroſſing not only the Senate, and excluding the People from bearing Magiſtracy in the Commonwealth, but oppreſſing them alſo by an heavy Yoke of Tyranny, which cauſeth perpetual Feud between this Senate and the People, and in the End the Ruin of the Commonwealth; yet entituled this Nobility themſelves unto theſe Prerogatives, no otherwiſe than by ſuch religious Rites, as among them were believed to confer Saintſhip, and thereby to intitle them unto a Dominion over the People, in which they were alſo aided by the Optimacy.

NOW Examples of a Senate for Life being of like Nature and neceſſary Conſequence, it is my Hope and Prayer, that never any ſuch be introduced in *England*.

BUT in Caſe of an Optimacy, a Commonwealth, though not admitting of a Senate for Life, may yet be unequal.

ATHENS conſiſted of a Senate upon annual Rotation; yet through the Optimacy, which was inſtituted by *Solon*, came under ſuch a Yoke of the Nobility, as upon Victory obtained in the Battle of *Platæa*, they took the Opportunity to throw off, and reduce the Commonwealth unto more Equality.

A N Optimacy is introduced, where a People is not only divided by Tribes according to their Habitation; but every Tribe into Claſſes, according unto their Eſtates or different Meaſures in Riches; as if you ſhould caſt all that have above two thouſand Pounds a Year, into one Claſſis; all that have above one thouſand Pounds a Year, into another; all that have above five hundred, into a third; and ſo forth, for as many Claſſes as you like to make.

NOW if in this Caſe the firſt and ſecond Claſſes may give the Suffrage of the whole People, as in *Rome*; or that theſe only may enjoy the Senate, and all the Magiſtracies, though but upon Rotation,

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as in *Athens*; yet the People, as to theſe Parts being excluded, the Commonwealth muſt needs remain unequal: wherefore this alſo ought to be forewarned, to the end that it may be prevented.

TO conclude, if we in *England* can have any Monarchy, we ſhall have no Commonwealth; but if we can have no Monarchy, then bar but a Senate for Life, and an Optimacy, and we muſt have an equal Commonwealth. Succeſſive Parliaments, whether immediately, or with Councils in the intervals, and like Fancies, will be void of Effect, as of Example, or Reaſon.

BUT an abundance of Things is tedious; we would have ſuch a Commonwealth as may be dictated in a Breath. Thus then: Let a Senate be conſtituted of three hundred, and a popular Aſſembly of one thouſand and fifty, each for the term of three years, and to be annually changed in one third Part. But in Caſe a Commonwealth were thus briefly dictated, what would this abate of thoſe many Things, which muſt of Neceſſity go unto a like Structure, that it may be equally and methodically brought up from a firm and proper Foundation? There is no way of dictating a Commonwealth unto facile Practice, but by the ſeeming Difficulty of the whole Circumſtances requiſite, even to a Tittle. Nevertheleſs to try again: Let the Lands throughout *England* be all caſt into ſome Pariſh. Let every Pariſh elect annually a fifth Man; let every hundred of theſe fifth Men, with the Places of their Habitation, conſtitute one hundred; then caſt twenty of theſe hundreds into one Tribe or Shire. Putting the Caſe the Tribes or Shires thus ſtated amount unto fifty, let the fifty Men or Deputies in every Tribe or Shire, elect annually two out of their own Number, to be Senators for three Years, and ſeven to be of the Aſſembly of the People for a like Term, each Term obliging unto an equal Interval: which Senate being for the firſt Year conſtituted of three hundred, and the Aſſembly of the People of one thouſand and fifty, gives you thoſe Bodies upon a triennial Rotation, and in them the main Orders of an equal Commonwealth. If you muſt have a Commonwealth, and you will have an equal Commonwealth, then (pardon my Boldneſs) after this or ſome like Manner muſt you do, becauſe like Work never was, nor can be done any otherwiſe.

May 2. 1659. *James Harrington.*

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A

DISCOURSE

UPON

This SAYING:

The Spirit of the Nation is not yet to be truſted with Liberty; leſt it introduce Monarchy, or invade the Liberty of Conſcience.

DAVID was a Man after God's own Heart, yet made the People Judges of what was of God, and that even in Matters of Religion; as where he propoſeth unto the Repreſentative, conſiſting of Twenty four thouſand, in this Manner: *If it ſeem good unto you, and that it be of the Lord our God, let us——bring again the Ark of our God to us: for we enquired not at it in the Days of Saul,* 1 Chro. xiii. But Men in this Nation blow hot and cold: one main Exception which the Prelatical and Preſbyterian Sects have againſt popular Government, is, that as to Religion it will truſt every Man unto his own Liberty; and that only, for which the reſt of the Religious Sects apprehend popular Government, is, that the Spirit of the Nation (as they ſay) is not to be truſted with the Liberty of Conſcience, in that it is inclining to perſecute for Religion. What Remedy? Aſk the former Sects, or Parties different in Judgment as to Matter of Religion, (for the Word ſignifies no more) they tell you a King; aſk the latter, they tell you ſome certain or convenient Number of Princes, or an Oligarchy. But ſaith the Scripture, *Put not your Truſt in Princes.* It doth not any where ſay the like of the *Congregation of the Lord*, or of the People; but rather the contrary, as is implied in the Example already alledged of *David*'s Propoſition unto the Repreſentative of *Iſrael*, and is yet plainer in the Propoſition of *Moſes* unto the whole People, even before they were under Orders of popular Government; and when they were to introduce ſuch Orders, as where he ſaith, *Take unto you wiſe Men, and known among your Tribes, and I will make them Rulers over you.* Now theſe Rulers thus elected by the People, were ſupreme, both in Matter of Religion and Government: in which Words therefore, both by the Command of God, and the Example of *Moſes*, you have the Spirit of the People truſted with all Matters either Civil or Religious. Throughout the Teſtaments, Old and New, (as I have over and over demonſtrated unto you) the Proceedings of God, as to the Matter of Government, go not beſide the Principles of human Prudence the Breadth of one Hair. Let Saints therefore, or others, be they who or what they will, work otherwiſe in like Caſes, or (to ſpeak more particularly unto the preſent State of Things) obtrude upon us Oligarchy, when they can or dare, they ſhall be, and ſoon confeſs themſelves to be below Men, even of natural Parts. In the mean While, having thus the free Leave and Encouragement both of Scripture and Religion, I

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come unto a farther Diſquiſition of this Point by the Card of Reaſon, and the Courſe of Prudence.

IN all the Circle of Government, there are but three Spirits; the Spirit of a Prince, the Spirit of the Oligarchy, and the Spirit of a free People: wherefore if the Spirit of a free People be not to be truſted with their Liberty, or, which is all one, with the Government, then muſt it follow of Neceſſity, that either the Spirit of a Prince, or of the Oligarchy, is to be truſted with the Liberty of the People, or with their Government.

WHAT the Spirit of a Prince intruſted with the Government or Liberty of the People hath been, we have had large Experience; and full enough of the Spirit of the Oligarchy: for a ſingle Council having both the Right of Debate and Reſult, never was nor can be eſteemed a Commonwealth, but ever was and will be known for mere Oligarchy. It is true, that the Spirit of the People, in different Caſes, is as different as that of a Man. A Man is not of that Spirit when he is ſick, as when he is well: if you touch a ſick Man, you hurt him; if you ſpeak to him, he is froward; he deſpairs of his Health; he throws down his Medicines: but give him Eaſe, he is *debonnaire* and thankful; give him a Cure, and he bleſſeth you. It is no otherwiſe with the People. A People under a Yoke which they have loſt all Hopes of breaking, are of a broken, a ſlaviſh, a puſillanimous Spirit, as the *Paiſant* in *France*. A People under a Yoke which they are not out of Hopes to break, are of an impatient, of an active, and of a turbulent Spirit, as the *Romans* under their Senate for Life, the *Hollanders* under the King of *Spain*, and the *Engliſh*, after the Ruin of the Nobility, under the late *Monarchy*. A People broken looſe from their ancient and accuſtomed Form, and yet unreduced unto any other, is of a wild, a giddy Spirit; and, as the Politician ſaith, like ſome Bird or Beaſt, which having been bred in a Leaſe or Chain, and gotten looſe, can neither prey for itſelf, nor hath any Body to feed it, till, as commonly comes to paſs, it be taken up by the Remainder of the broken Chain or Leaſe, and tyed ſo much the ſhorter; as befel thoſe in *Spain* after the War of the Commonalties, and the *Neapolitans* after that of *Mazinello*. But a People under Orders of popular Government, are of the moſt prudent and ſerene Spirit, and the voideſt of inteſtine Diſcord or Sedition; as the *Venetians*, the *Switz* and the *Hollanders*.

WHEREFORE thus we may in no wiſe argue: A Ship without Tackling and Steerage is not to be truſted with any Freight, nor can make any Voyage; therefore a Ship with Tackling and Steerage is not to be truſted with any Freight, nor can make any Voyage. But to ſay that the People not under fit Orders of popular Government, are not capable of Liberty; therefore the People under fit Orders of popular Government, are not capable of Liberty, is no better. As the former Argument breaketh up all Hope of Trade, ſo the latter breaketh up all Hopes of popular Government.

HERE lyeth the Point. The Mariner truſteth not unto the Sea, but to his Ship. The Spirit of the People is in no wiſe to be truſted with their Liberty, but by ſtated Laws or Orders; ſo the Truſt is not in the Spirit of the People, but in the Frame of thoſe Orders, which, as they are tight or leaky, are the Ship out of which the People being once imbarqued, cannot ſtir, and without which they can have no Motion.

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If the Trumpet give an uncertain Sound, who ſhall prepare himſelf unto the Battle? It is not a Multitude that makes an Army, but their Diſcipline, their Arms, the Diſtribution of them into Troops, Companies, Regiments, and Brigades, this for the Van, that for the Rear-ward; and theſe Bodies muſt either rout themſelves, which is not their Intereſt, or have no Motion at all, but ſuch only as is according unto Orders. If they march, if they halt, if they lodge, if they charge, all is according unto Orders. Whereof he that giveth the Orders, truſteth not to the Army, but the Army truſteth him. It is no otherwiſe in the ordering of a Commonwealth. Why ſay we then, that the People are not to be truſted, while certain it is, that in a Commonwealth rightly ordered, they can have no other Motion than according unto the Orders of their Commonwealth? Have we not ſeen what Difference there may be in an Houſe elected by the Counties only, and an Houſe elected both by the Boroughs and the Counties? Is this ſo much from the People, as from their Orders? The *Lacedemonian* Senate for Life, before the Inſtitution of the *Ephori*, was dangerous; after the Inſtitution of the *Ephori*, was not dangerous. The *Venetians*, before the Introduction of their preſent Policy, were very tumultuous; ſince the Introduction of the ſame, are the moſt ſerene Commonwealth. Was this from the People who are the ſame, or from the Difference of their Orders? If you will truſt Orders, and not Men, you truſt not unto the People, but unto your Orders: ſee then that your Orders be ſecure, and the People fail not.

YOU the preſent Rulers of *England*, now the Object of Angels and Men, in the Fear of God look to it. I dare boldly ſay, and the World will ſay to all Poſterity, if *England* through the Want of Orders be ruined, it was not that you needed to truſt the People, but that the People truſted you.

AND of what Orders have ſome of you that lay the People ſo low, and think yourſelves only to be truſted, made Offer? Do you not propoſe,

THAT they who are or ſhall be intruſted, (with Power or Authority) *be ſuch as ſhall be found to be moſt eminent for Godlineſs, Faithfulneſs, and Conſtancy to the good old Cauſe and Intereſt of theſe Nations?*

NOW I beſeech you conſider, if you mean to make your ſelves Judges, without the People or Parliament, in ſuch Manner as you *have owned your Commander in Chief*, who are godly, and what the Intereſt of the Nation is, what kind of Commonwealth this muſt make. Or if you mean to make the People Judges, without which it is impoſſible there ſhould be any well-ordered Commonwealth, whether you can give them any other Rule than according unto *Moſes*, *Take ye wiſe Men, and underſtanding, and known among your Tribes.*

CONSIDER whether thoſe you would indemnify for ſtrengthning the late unnatural and diſhonourable Yoke, be eminent for Godlineſs, Faithfulneſs to the *good old Cauſe*, or for aſſerting the Intereſt of theſe Nations; and whether to impoſe ſuch Qualifications as may bring theſe or the like again into Power, be the more probable Way unto a free State; or to leave the People according to the Rule of *Moſes*, unto their Judgment in theſe Caſes.

YOU propoſe, *That to the End the Legiſlative Authority of this Commonwealth may not by their long ſitting become burthenſom or inconvenient, there may be effectual Proviſion made for a due Succeſſion thereof.*

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I BESEECH you to conſider what Example can be produced of any one Commonwealth wherein the ligiſlative Authority was not continually extant or ſitting; and what Reaſon there can be that it ſhould poſſibly be otherwiſe, the Government remaining a Commonwealth. Conſider whether in caſe the two Houſes of Parliament had been heretofore perpetually ſitting, the Government had not been a Commonwealth; whether the Intervals of the ſame, were not that in a good Part, which cauſed it to be Monarchical; and ſo, whether the legiſlative Authority in a Commonwealth being intermitted, muſt not convert the Commonwealth into Monarchy, in caſe the Intervals be guided by a ſingle Perſon; or into Oligarchy, in caſe they be guided by a Council. Laſtly, conſider whether ſuch a Council in the Intervals of Parliaments, be not, of all others, that Mole-hill by which a Tyrant can be moſt conveniently raiſed for a jump into a Throne; or what there is in this Caſe to withſtand him, though *Whitehall* ſhould be ſold or pulled down.

AGAIN, you propoſe, *That the Legiſlative Power be in a Repreſentative conſiſting of an Houſe ſucceſſively choſen by the People, and of a ſelect Senate, co-ordinate in Power.*

UPON which I beſeech you to conſider whether there can be any ſafe Repreſentative of the People, not conſtituted of ſuch a Number, and by ſuch Rules as muſt take in the Intereſt of the whole People. Whether there be not Difference between the Intereſt which a People can have under Monarchy, and the Intereſt which a People ought to have under a Commonwealth: and whether it be a good Argument, that an Aſſembly of four hundred upon Intervals, was a ſufficient Repreſentative of the People under Monarchy, or under Lords on whom they depended; therefore the like may be ſufficient under a Commonwealth, where they are their own Lords, and have no dependence. I beſeech you to conſider whether it be natural unto any Aſſembly to reſolve otherwiſe than according unto the Intereſt of that Aſſembly. Whether it be not natural unto the Senate, eſpecially being not elected by the People, but obtruded, and, as I ſuſpect, for Life, to debate according as they intend to reſolve, and to reſolve according to the Intereſt of the Few, or of a Party. Whether it be not unnatural, confuſed and dangerous unto a Repreſentative of the People, rightly conſtituted, to debate, whether it be not natural to ſuch a Repreſentative to reſolve according unto the Intereſt of the whole People. Whether the Senate reſolving according unto the Intereſt of *the few*, and the Repreſentative reſolving according to the Intereſt of *the many*, be not the certain Way of creating Feud between the Senate and the People, or of introducing Blood and civil War. And laſt of all, whether to declare the Senate and the Repreſentative co-ordinate, be not to give unto either Council both the Debate, and the Reſult indifferently, and in that the unavoidable Occaſion of ſuch Feud.

LASTLY, you propoſe, *That the executive Power be in a Council of State.*

UPON which I beſeech you to conſider whether ever the Prytans in *Athens*, the College in *Venice*, or a Council of State in any Commonwealth, had any executive Power, except in the Management perhaps of a War or Treaty with foreign States.

UPON the whole, I beſeech you to conſider whether theſe Propoſitions, and ſuch like, be not contrary unto the whole Courſe of popular Prudence in all or any one Commonwealth, and tending unto

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the certain Deſtruction, or at leaſt intolerable Confuſion of the People. Yet are theſe, I ſuppoſe, intended by you as a Bar unto Monarchy, and a Guard unto the Liberty of Conſcience.

TO the ORDERS of a COMMONWEALTH. The whole Territory is equally divided into fifty Tribes or Shires; in every one of theſe Tribes, the People of each Pariſh elect out of themſelves one Man in five to be for that Year a Deputy of that Pariſh. I but, they will chooſe Cavaliers or Preſbyterians. Well, if that be the worſt, for Diſcourſe Sake be it ſo. Theſe Deputies thus choſen in each Pariſh, are upon ſome certain Day in their Year to aſſemble at the Capital of their Tribe or Shire, and there to elect a few to be Knights or Senators, and a fuller Number to be Burgeſſes or Deputies in the Repreſentative of the People. Good: and theſe alſo muſt therefore be ſuch as were their Electors. So the Sovereign Aſſemblies of the Nation will conſiſt of Preſbyterians and Cavaliers; and being thus conſtituted, will either introduce Monarchy, or invade the Liberty of Conſcience, or both.

BUT theſe at their Election take an Oath of Allegiance unto the Commonwealth. An Oath is nothing. How! not among Chriſtians? Let us ſee what it hath been among Heathens. *Brutus* having driven out the *Tarquins*, or *Roman* Kings, thought the Spirit of that People not yet fit to be truſted with their Liberty; and for this Cauſe gave them an Oath, whereby they abjured Kings; which was then thought and found in that Caſe to be enough. But if this would not have ſerved the Turn, what could? For *Brutus* to have expelled the Kings, and yet not to have given the People their Liberty, he well knew was not to have driven forth Monarchy, but to have laid Obligation upon the People to bring it back again in hatred of the Oligarchy; as we in our way of proceeding have felt, and continue ſtill to feel, yet blame the People upon as good Grounds as if we ſhould ſay, the People are impatient of truſting Oligarchy with their Liberty; therefore the People are not to be truſted with their Liberty. But ſupoſing an Oath were as ſlight a Matter as indeed in theſe Days it is made; theſe Sovereign Aſſemblies, tho' they ſhould be thus conſtituted of Preſbyterians and Cavaliers only, yet could in no wiſe either introduce Monarchy, or invade the Liberty of Conſcience, for theſe Reaſons. The natural Tendency of every thing, is unto the Preſervation of itſelf; but Cavaliers and Preſbyterians under theſe Orders are a Commonwealth; therefore their natural Tendency muſt be to the Preſervation of the Commonwealth. It is not ſo long ſince a Roundhead was made a Prince; did he make a Commonwealth? Or what more Reaſon can there be, why if you make Cavaliers and Independents a Commonwealth, they ſhould make a King? What Experience is there in the World, that the greateſt Cavaliers being once brought under the Orders of popular Government rightly balanced, did not thenceforth deteſt Monarchy? The People of *Rome*, *Libertatis dulcedine nondum experta*, where the greateſt Cavaliers in the World; for above one hundred Years together they obſtructed their Senate, which would have introduced a Commonwealth, and cauſed them to continue under Monarchy; but from the firſt Introduction of popular Government, continued under perfect Deteſtation of the very Name.

PUTTING the Caſe that the Senate could have a Will to deſtroy it ſelf, and introduce Monarchy, you muſt alſo put the Caſe that they may

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may have ſome Intereſt to do it; for the Will of every Aſſembly ariſeth from the Intereſt of the ſame. Now what Intereſt can there be in a Senate thus inſtituted, to deſtroy it ſelf and ſet up Monarchy?

THE Senate can do nothing but by propoſing unto the People: it is not poſſible for them to agree unto any thing that can be propoſed, without debating it; nor can any Debate tend unto any ſuch Agreement, but in the force of Reaſons thereunto conducing. Now what Reaſon had ever any Senate, or can any Senate ever have, to incline them unto ſuch an End?

NO Man nor Aſſembly can will that which is impoſſible: but where a Commonwealth is rightly balanced, that a Monarchy can there have any Balance, except the Senate can perſuade People to quit three Parts in four of the whole Territory unto a Prince, or to a Nobility, is impoſſible. But if the Introduction of Monarchy can neither be in the Will of the Senate, though that ſhould conſiſt altogether of Cavaliers and Preſbyterians, then much leſs can it be in the Will of the Aſſembly of the People, though this alſo ſhould conſiſt altogether of Cavaliers and Preſbyterians.

BUT while we talk, that the People will be ſo raſh in Elections, we obſerve not that this is but the Raſhneſs of the few, exalting their Wiſdom above the Wiſdom of the People. If it be not ſeen that a Commonwealth ſo ordered as hath been ſhewn, muſt of Neceſſity conſiſt in the Senate of the Wiſdom, and in the popular Aſſembly of the Intereſt of the whole Nation, after ſuch manner that there can be no Law not invented by the wiſeſt, and enacted by the honeſteſt, what the People under ſuch a Form ſhall do, cannot be judged: and if this be ſeen, we muſt either believe that the Excluſion of Monarchy, and the Protection of Liberty of Conſcience, concern not the Wiſdom or Intereſt of the Nation, in which caſe they are Points upon which the preſent Power ought in no wiſe to inſiſt; or that being according unto the Wiſdom and Intereſt of the Nation, that Wiſdom and Intereſt ſo collected as hath been ſhewn, muſt be much more able to judge of, obliged to adhere unto, and effectual to proſecute thoſe Ends, than any hundred or two hundred Men in the World, were they never ſo ſelect and unbiaſſed. Which nevertheleſs is not ſaid againſt the Ways we have to go, but for the End in which we are to acquieſce.

THE Diſtinction of Liberty into Civil and Spiritual, is not ancient, but of a later Date; there being indeed no ſuch Diſtinction, for the Liberty of Conſcience once granted ſeparable from Civil Liberty, Civil Liberty can have no Security. It was the only Excuſe that the late Tyrant pretended for his Uſurpation, that he could ſee no other Means to ſecure the Liberty of Conſcience. Suppoſe an Oligarchy were like minded, would it follow that the Tyrant did not, or that the Oligarchy could not uſurp civil Liberty? Or is not this the only plauſible way by which they might? What Encouragement, except for preſent Ends, or ſome ſhort time, hath Liberty of Conſcience had to truſt more unto Men, than civil Liberty? Or what became of that civil Liberty which was at any time truſted unto a Prince, or to the Oligarchy? On the other ſide, where hath that free State or Commonwealth been ever known, that gave not Liberty of Conſcience?

IN *Iſrael* at the worſt, or when it was ſcarce a Commonwealth, *Paul earneſtly beholding the Council*, that is, the Sanhedrim, or Senate

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of the Jews, *cryed out—Men and Brethren—of the Hope and Reſurrection of the dead I am called in Queſtion: and when he had ſo ſaid, there aroſe Diſſention between the* Phariſees *and the* Sadduces—*For the* Sadduces *ſay, that there is no Reſurrection, neither Angel nor Spirit; but the* Phariſees *confeſs both.* Acts xxiii. Howbeit the *Sadduces*, for the reſt adhered unto the *Scriptures* of the Old Teſtament, of which the *Phariſees* made little or no Account in Reſpect of their Oral Law, or Traditions. Whence it followeth, that in this *Senate* there were two Religions, and by Conſequence that in this Commonwealth there was Liberty of Conſcience; and ſo much the rather, in that beſides theſe Sects, and that alſo of the Eſſenes, this Commonwealth conſiſted in a good Part of *Proſelytes of the Gates*, who did not at all receive the Law of *Moſes*, but only the Precepts given by God to *Noah*.

PAUL, Acts xvii, in like manner, *ſeeming to be a Setter-forth of ſtrange Gods*, in the Commonwealth of *Athens*, *becauſe he preached unto them Jeſus, and the Reſurrection*; and the *Athenians*, being given to ſpend their time in telling or hearing ſome new Thing, *they took him and brought him*, not by Application of any Violence, but out of Curioſity and Delight in Novelties, *unto Areopagus*, or unto the famous Senate in *Athens*, called *The Areopagites*, honoured by *Cicero* to furniſh an Argument againſt Atheiſts, where he argued, that to ſay, *the World is governed without God*, is as if one ſhould ſay, that *the Commonwealth of* Athens *is governed without the* Areopagites. *Paul* being thus brought unto *Areopagus*, or unto the Place, that you may ſee it was not under Cuſtody, where the Senators uſed to walk, *ſtood in the midſt of Mars-hill*, and preached: now the *Areopagites* or Senators, were ſome Epicureans, who held as the *Sadduces*, and others Stoicks, who held as the *Phariſees*: and *when they heard of the Reſurrection of the Dead, ſome*, that is, the Epicureans, *mocked, and others*, that is, the Stoicks, ſaid, *we will hear thee again of this Matter. And Paul*, for another Argument that he was all this while at his own diſpoſing, and full Freedom, *departed from among them. Howbeit, certain Men clave unto him, and believed, among which was* Dionyſius *the* Areopagite. So in the Senate of *Athens* there were now three Religions; the Epicurean, Stoick, and Chriſtian; whence it muſt needs follow, that in the Commonwealth of *Athens*, there was Liberty of Conſcience. Men that are vers'd in *Roman* Authors will have little reaſon to doubt, that the learneſt of this People gave not much credit unto the fabulous Religion that among them was national. Among theſe, as is yet apparent by his Writings, was *Cicero*, who nevertheleſs lamenteth, that he found it eaſier to pull down a Religion, than to ſet up any; yet was neither *Cicero*, nor any Man of his Judgment, for this, leſs capable of being Conſul, or of any other Magiſtracy. All things are not equally clear in every Story, yet ſhall no Man give one Reaſon or Example that it hath been otherwiſe in any Commonwealth.

IT is true, that the *Popiſh* Commonwealths do not give the Liberty of Conſcience. No Man can give that which he hath not: they depend in Part, or in the Whole, as to Religion, upon the Church of *Rome*; and ſo have not the Liberty of Conſcience to give: but even theſe do not take it away; for there is no *Popiſh* Commonwealth that endureth any Inquiſition. Now I ſay, if there be no Reaſon nor Example that a Commonwealth ever did invade the Liberty of Conſcience, either

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either there muſt be ſome Cauſe in Nature, which hath hitherto had no Effect, or there is no Reaſon why a Commonwealth can invade the Liberty of Conſcience. But the Reaſon why it cannot, is apparent: for the Power that can invade the Liberty of Conſcience, can uſurp civil Liberty; and where there is a Power that can uſurp civil Liberty, there is no Commonwealth. To think otherwiſe, is to meaſure a Commonwealth by the overflowing and boundleſs Paſſions of a Multitude, not by thoſe Laws or Orders, without which a free People can no otherwiſe have a Courſe, than a free River without the proper Channel. Yet as far as we in this Nation do yet ſtand from this Object, we can perceive a Difference between Men, and Orders or Laws. A Man will truſt the Law for a thouſand Pound, nay muſt truſt it with his whole Eſtate. But he will not truſt a Man for an hundred Pounds; or if he do, he may repent it. They who dare truſt Men, do not underſtand Men; and they that dare not truſt Laws or Orders, do not underſtand a Commonwealth. I told a Story of my Travels to ſome Gentlemen that were pleaſed with it. The *Italians* are a grave and prudent Nation, yet in ſome Things no leſs extravagant than the wildeſt; particularly in their Carnival or Sports about Shrovetide: in theſe they are all Mummers, not with our Modeſty, in the Night, but for divers Days together, and before the Sun; during which Time, one would think by the Strangeneſs of their Habit, that *Italy* were once more overrun by *Goths* and *Vandals*, or new peopled with *Turks*, *Moors* and *Indians*, there being at this Time ſuch Variety of Shapes and Pageants. Among theſe, at *Rome* I ſaw one, which repreſented a Kitchen, with all the proper Utenſils in Uſe and Action. The Cooks were all Cats and Kitlings, ſet in ſuch Frames, ſo ty'd and ſo ordered that the poor Creatures could make no Motion to get looſe, but the ſame cauſed one to turn the Spit, another to baſte the Meat, a third to ſcim the Pot, and a fourth to make Green-ſauce. If the Frame of your Commonwealth be not ſuch, as cauſeth every one to perform his certain Function as neceſſarily as this did the Cat to make Green-ſauce, it is not right.

BUT what talk we of Frames or Orders? Though we have no certain Frame, no ſitting Orders, yet in this Balance there are Bounds, ſet even by his Hand *who ſtilleth the Raging of the Sea, and the Madneſs of His People.* Let the more wary *Cavalier*, or the fiery *Preſbyterian* march up when he may into the Van, he ſhall lead this Nation into a Commonwealth, or into certain Perdition. But if the old Officers, Men for the greater Part of ſmall Fortunes, but all of large Souls, ancient *Heroes*, that dared to expoſe themſelves unto Ruin for their Country, be reſtored unto their moſt deſerved Commands, this will be done, and done without a bloody Noſe, or a cut Finger.

WE hope ye are Saints; but if you be Men, look with all your Might, with all your Prudence, above all, with fervent Imploration of GOD's gracious Aſſiſtance, who is viſibly crowning you, unto the well-ordering of your Commonwealth. In the Manner conſiſts the main Matter. Deteſt the baſe Itch of the narrow Oligarchy. If your Commonwealth be rightly inſtituted, ſeven Years will not paſs,

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ere your Cluſters of Parties, Civil and Religious, vaniſh, not through any Force, as when cold Weather kills flies; but by the riſing of greater Light, as when the Sun puts out Candles. Theſe in the Reaſon of the Thing are demonſtrable, but ſuit better with the Spirit of the preſent Times, by way of Prophecy. *England* ſhall raiſe her Head to ancient Glory, the Heavens ſhall be of the old Metal, the Earth no longer Lead, nor ſhall the ſounding Air eternally renounce the Trumpet of Fame.

May 16. 1659. JAMES HARRINGTON.

A

DISCOURSE

SHEWING,

That the Spirit of PARLIAMENTS, with a COUNCIL in the Intervals, is not to be truſted for a Settlement; leſt it introduce Monarchy, and Perſecution for Conſcience.

THE preſent Caſe conſidered, I need ſay no more, than, if there be no Bar, a Parliament may conſiſt wholly, or in the greater Part, of Preſbyterians or Royaliſts; and if there be a Bar, it is no Government by Parliaments, but by the Bar that is upon them; which muſt be of greater Danger. But the Houſe of Commons, as hath been hitherto uſual in *England*, conſiſted of about four hundred Deputies of the People, for the moſt Part Gentlemen, and old Stagers, elected again and again unto the ſame Employment, without Vacation: this is that which being ſweet in the Stomach of divers, is the old Love for which they deteſt new Forms. Such an Aſſembly, for the Number or Nature of their Elections, is ſomewhat too low and too large to come up unto the true Intereſt of a King, and too high and too narrow to deſcend wholly unto the true Intereſt of the People; they have antiently provided diligently, that they might hawk and hunt without Impediment of the King, and of the lower ſort, to whom it was almoſt capital to ſpoil their Game: and though this may ſeem but a jeſting Inſtance, yet have the reſt of their Laws, for their Pitch, been much of the middle Way, or of the like Genius, while they were under a Nobility; but ſince, through the natural Decay of that Order, they came to a greater Height, it hath been to endure no Check. Wherefore as it hath been found under a King, that ſuch an Aſſembly will endure no King, through the Check they apprehend from him; ſo it will be found that under a Commonwealth they will be addicted unto the Introduction

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duction of Monarchy, through the Check they apprehend from the People.

CERTAIN it is, that an Alteration of Government going no farther than the Inſtitution of Parliaments, and a Council in the Intervals, can come to no more than that, ſo often as the Council ſhall be changed for a King, or the King for a Council, ſo often the Commonwealth (if this deſerve any ſuch Name) muſt be changed into Monarchy, and the Monarchy into a Commonwealth; which Changes may be made with ſuch Eaſe and Suddenneſs, that every Night it may be a Caſt of a Dye, what the Government ſhall be the next Morning. Where the Alteration (I ſay) of the Government is no greater than from a King's Chair, to a narrow Bench of Counſellors; there goeth no more to make a ſingle Perſon, than throwing down the Bench, and ſetting up the Chair; nor to make a Commonwealth (ſuch an one as it is) than throwing down the Chair, and ſetting up the Bench. But for the farther Diſcovery of ſuch Cauſes, as in ſo ſtrange and unheard-of Innovation may give frequent or continual Mutation, if this Poſture of Things be upheld (as I cannot ſee how otherwiſe it ſhould ſtand) by an Army. Let us conſider three Things:

FIRST, What is incident unto ſuch an Army.

SECONDLY, What is incident unto ſuch a Council.

AND thirdly, What is incident unto ſuch a Parliament.

IT is incident unto ſuch an Army, let the Body thereof be never ſo popularly affected, to be under a monarchical Adminiſtration, or to be top-heavy in their great Officers, which will have Power, whether they will or no, to overſway both the Army and the Government; as in the ſetting up of the late ſingle Perſon. Again, if the Body of the Army mutiny againſt the Government, neither their great Officers, nor any Thing elſe in the Parliament or Council, can withſtand them; as in the pulling down of the latter ſingle Perſon: whence it is evident that ſuch an Army can be no Foundation of any Settlement.

A Council in the Intervals, though it ſhould rule well, will yet have a Tendency toward Preſervation or Prolongation of itſelf; and if it rule ill, will be obnoxious unto Parliaments. For which Cauſe, what Help for themſelves ſhall be in their Power, is to be preſumed, will be in their Will; and they have the ſame Power which the King had, or which is all one, are in as effectual a Poſture to obſtruct or elude the Meeting of Parliaments; therefore it will be in their Will to do it. And if they will this, they reduce the Government into Oligarchy, then into Faction, and laſt of all, into Confuſion.

THE People this while muſt unavoidably perceive this Council to conſiſt of too few to be Fellows, and of too many to be Maſters. For which Cauſe, being all broken into Faction, ſome for a Commonwealth, and ſome for Monarchy, Parliaments coming by Guſts, whether with or againſt the Will of the Council, will either be torn with like Faction among themſelves, or pull down the Council as no Government, and endeavour ſome Settlement. Now if a Monarchy (as moſt likely, becauſe moſt obvious) be ſet up, it can be no Settlement, becauſe it is quite contrary unto the Balance of the Nation; and ſo they mend nothing, but make greater Confuſion. And a Commonwealth or Democracy conſiſteth of ſuch Orders and ſuch Novelties in this Land, as will never be light upon by an Aſſembly,

nor

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nor credited by ſuch as are unexperienced in the Art. So that this Nation going thus far about, will come but unto that very Point, where it now ſtands at gaze, or to far greater Confuſion; for which there is no Remedy, ſave only that they who are in Power would lay aſide all Prejudice unto pretended Novelties and Innovations, or rather not give themſelves unto ſuch Novelties as tend unto Confuſion, (for ſuch have been the late Changes) but conſider ſuch Antiquities as have been, and muſt be the Rule and Reaſon of a wiſe Proceeding in that, which by the Providence of God never was before, and yet is now come to be the Truth of their Caſe.

BUT if what hath been hitherto ſhewn, be the certain Conſequence of Parliaments with a Council in the Intervals, as that it will be no Settlement, but a State now ſetting up, then pulling down Kings or ſingle Perſons; it is apparent that what introduceth Monarchy, introduceth Suppreſſion of civil Liberty, and in that, of Liberty of Conſcience. Wherefore certain it is, that the Spirit of a Parliament with a Council in the Intervals, is not to be truſted, leſt it introduce Monarchy and Suppreſſion of Liberty, and in that, of the Liberty of Conſcience; nor the Spirit of any Form whatſoever, but that only of a Democracy or free State, which is the ſame that through Novelties introduced by God himſelf, is only practicable as a Settlement in the preſent Caſe of this diſtracted Nation.

THE true Form of a Democracy or free State conſiſteth eſpecially in this, That as to Lawgiving, the Wiſdom of the Nation propoſe, and the Intereſt of the Nation reſolve. If this be poſſible in *England*, then it is impoſſible, that there ſhould be in *England* greater Security unto Liberty, whether civil or of Conſcience, which but for a new Diſtinction is the ſame. Now that it is poſſible and eaſily practicable to frame ſuch ſtanding Aſſemblies in *England*, whereof the one ſhall contain the Wiſdom, the other the Intereſt of the whole Nation, hath been long ſince evinced.

BUT Men that go upon picking up Arguments againſt an Houſe out of the Rubbiſh, and diſtinguiſh not between the People under the Ruins of the old Government, and what they muſt needs be when raiſed into a proper Structure of a new Frame, will ſay, that the People have a general Averſion from being built up into any new Form at all. So hath the Rubbiſh, and yet it may have good Stones and Beams in it. They will ſay, that there is a general Diſ-affection, nay Hatred, throughout the Countries, unto the Government; and that more now, than in the Time of the late Uſurper. Which I eaſily believe, becauſe the Change of a Perſon, with what Loſs ſoever, is yet a leſs Change than the Change of a Government. The former is a Change from a Thing that was known, to another that is known; but the latter muſt be a Change from a Thing that hath been known in this Nation, to a Thing that was never known in this Nation. A Man that walketh, treadeth, with almoſt equal Boldneſs his next Step, if he ſee it, though it be in the Dirt; but let it be never ſo fair, if he ſee it not, he ſtands ſtock-ſtill. This is the preſent State of the People, and this Effect in the People is eſpecially occaſioned by their natural Diſtruſt of ſuch Novelties as they cannot penetrate or diſcover what they are. Nor is it an ill Pulſe, the Caſe conſidered, in which it ſignifies no other than their Conſtancy and dear Affection unto their old Laws and

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Ways, how unfit ſoever they be now become. Wherefore, ſo ſoon as you have fitted them better, none of this will be againſt you, but all for you. It is certain, that a People under proper Orders, is the leaſt effeminate, and moſt manly Government in the World. But ſuch an one as hath no Experience or Knowledge in theſe, hath a Frowardneſs, that is altogether childiſh. What they find uneaſy, they tear off and throw away; as in the late War; but no ſooner find the Nakedneſs unto which by like means they are brought, than being unable to clothe themſelves, they fall into an unmanly Penitence, and betake themſelves unto picking up of their old Trappings. If there be not Men at the Head of them, who by Introduction of a proper Form, can clothe their Nakedneſs, and reduce their Paſſion unto Temper, there is nothing to be expected, but Darkneſs, Deſolation and Horror.

NOW if you be Saints, *do good unto them that hate you, and would perſecute you.* Now *caſt your Bread upon the Waters, and after many Days,* nay after a few Days, *you ſhall find it.*

THAT the People of this Land have an Averſion from Novelties or Innovations, that they are incapable of Diſcourſe or Reaſoning upon Government, that they do not underſtand the true Form of a free and equal Commonwealth, is no Impediment unto them, nor Excuſe unto wiſe and honeſt Men, why they ſhould not be imbarked.

AS the Soul of Man being by the Wiſdom of God imbarked in Fleſh, doth all the Functions of the Body, not that ſhe underſtandeth it, but that ſhe can work no otherwiſe; ſo the Body of a People, by the Wiſdom of one Man, (if there be any ſuch Man, as having ſuch Power, can be ſo honeſt) or of a few Men (if there be any ſo few, as having ſuch Power, can agree in ſuch a Matter) imbarked in the true Form of a Government, do all the Functions of the ſame, not that they underſtand it; for how much underſtood they the late Monarchy, when it was in the greateſt Vigour; but that through the Neceſſity of the Form, except it came to be inſufficient (as through the late Decay of the Church and the Nobility) they can work no otherwiſe than according unto the Nature of it.

IF the Form thus introduced be that of a free and equal Commonwealth, the People not being able to work otherwiſe than according unto the Nature of it, can never introduce Monarchy, nor Perſecution for Conſcience, becauſe either of theſe is contrary and deſtructive unto the Nature of the Form.

THAT the former is ſo, I need not prove; and that the latter is ſo, is obvious. For without invading civil Liberty, there is no invaſion of the Liberty of Conſcience; and by invading civil Liberty, this Form is diſſolved. But ſome will ſay, Thruſt the People into Innovations unto which they have ſo great Averſion? before they can be brought to underſtand them, and againſt their Conſent? What a Violation of Freedom! what a Difficulty! what an Injuſtice!

BUT taking all this together; what leſs can be ſaid to whatever the Parliament ſhall next introduce? Or if you take them apart.

AS to Averſion, I have already ſpoken; it is not any Malice in the People, but their Nature in this Caſe, which being through mere want of Acquaintance with ſuch Things as they can no wiſe underſtand but by Trial, is not to be rectified but by the Introduction of ſuch a Form as they finding far more worthy of their holding, will

by

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by changing of the Hand, but improve their more deſerved Conſtancy.

AS to the Difficulty of introducing a new Form, of obtaining the People's Conſent, and the Violation that in Failure of the ſame may be made upon Liberty, I ſay, that Elections, at divers Times, have already been divers; that in this there hath been no Violation of Liberty, nor Difficulty in obtaining the People's Conſent: and ſuch Elections as will neceſſarily introduce the whole Form of a new Commonwealth, have no ſuch Difference in them from the former, that they ſhould not be as eaſily conſented unto, and performed by the People; and this done by ordaining the Cauſe, they have ordained the Effect, and ſo introduced the new Form by common and univerſal Conſent.

LASTLY, If it be juſt that the People ſhould have their Liberty, they will ſoon find by this Change, that they both have it, and know how to hold it: which a People once finding, were never willing to part with; and in this conſiſteth the ſtrongeſt Security againſt Monarchy, and for Liberty of Conſcience.

TO conclude: This to our preſent Commonwealths-men is dictated by univerſal Experience, and written by the beſt Politicians, as their certain Doom.

IF they introduce a well-ordered Commonwealth, they ſhall be ſafe while they live, and famous when they are dead; and if they introduce not a well-ordered Commonwealth, they ſhall be unſafe while they live, and infamous when they are dead.

July 21. 1659.

Certain Maxims calculated unto the preſent State of *England*.

WHERE nothing is to be obtained by Reaſoning, there every Thing is referred to Event; and ſo are theſe Maxims.

1. *WHERE there is no publick Endowment of a Miniſtry, there can be no National Religion.*

2. *WHERE there is no National Religion, there can neither be any Government, nor any Liberty of Conſcience.*

3. *WITHOUT Invaſion there may be a Tumult, but can be no Civil War in* England.

4. *WITHOUT a Civil War, there can be no Monarchy in* England.

5. *WHERE there is no Situation like that of* Venice, *there can be no laſting Oligarchy.*

6. *A Commonwealth upon Intervals is againſt Nature.*

7. *Parliaments upon Intervals ſet up Kings or Tyrants.*

8. *Parliaments when they are ſalariated, will ſit in Harveſt.*

9. Caput Reipublicæ eſt noſſe Rempublicam. *When the Orders of any one Commonwealth that is or hath been, are rightly underſtood by ſuch as have the Power,* England *will be a Commonwealth.*

10. *IF the narroweſt Commonwealth require at leaſt twice the Root of the largeſt Monarchy, and the* Engliſh *Monarchy were founded upon two Aſſemblies containing ſix or ſeven hundred; then a Commonwealth in* England,

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England, *muſt be founded upon Aſſemblies conſiſting of about thirteen hundred at the leaſt.*

11. *IF Juſtice be the common Intereſt, and the common Intereſt be Juſtice; then private or partial Intereſt, oppoſed unto the common, muſt be Injuſtice.*

12. *IF the Laws of the People muſt needs go upon the common Intereſt, and the Laws of the Oligarchy muſt needs go upon partial or private Intereſt, oppoſed to the common; then the Laws of the People muſt be juſt, and the Laws of the Oligarchy muſt be unjuſt.*

13. *EVIL Men, that can do no other than make juſt Laws, are ſafer than good Men, that muſt either make unjuſt Laws, or ruin themſelves.*

A

PARALLEL

OF

The SPIRIT of the PEOPLE

WITH

The SPIRIT of Mr. *Rogers.*

AND

An Appeal thereupon unto the READER, whether the Spirit of the People, or the Spirit of Men like Mr. *Rogers*, be the fitter to be truſted with the Government.

MR. *ROGERS*'s firſt Character of himſelf is, that he is *one through Grace kept under many Sufferings a faithful Servant to Jeſus Chriſt, his Cauſe, and the Commonwealth.*

THE Character that by Men of his Judgment is but too often given of the People, is, that they are *profane Wretches, haters of the Godly*, or *of a perſecuting Spirit.* Whereas if the Jayls be looked into under any Commonwealth that is popular, the moſt of the Priſoners will be found to be in for Matter of Crime, few for Debt, and none at all for Conſcience; the contrary whereof is known in other Governments. And this is Matter of Fact, whereof every Man, that doth not like Mr. *Rogers* give his Spirit wholly unto Paſſion, and never think himſelf bound either to give or take any one Reaſon or Example, is a competent Judge.

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BUT Men ſkill'd in common Converſation know, that if the People be offended by a Man upon whom they live, they are very patient; but if they be offended by a Man upon whom they do not live, they are very apt to fly out; and their common Expreſſion upon this Occaſion is, *What care I for him? I can live without him.* From the common and vulgar Expreſſion of this Reaſon or Truth, the whole Spirit of the People, even as to Matter of Government, may be defined; which in the Definition (becauſe there are but too many who in like Compariſons boaſt their Spirit for Righteouſneſs, Godlineſs and Juſtice above that of the People) I ſhall make bold to parallel with that of Mr. *Rogers*.

THE Spirit of the People, where they live by a King, will obey a King very faithfully. Mr. *Rogers* is not for a King upon any Terms whatſoever.

THE People, where they ſubſiſt by Lords, are always faithful unto their Lords; and where they are under the Power of a few by whom they ſubſiſt not, never deſiſt from ſhaking that Yoke.

THE Spirit of Mr. *Rogers* is not for the Government of Lords, or ſuch as might pretend any ſuch Reaſon of their Government; but for the Government of a few, that cannot pretend any ſuch Reaſon of their Government; which therefore can have no Juſtice nor Bottom.

A People that can live of themſelves, neither care for King nor Lords, except through the mere want of inventing a more proper way of Government; which till they have found, they can never be quiet; wherefore to help a People at this Streight, is both the greateſt Charity to our Neighbour, and the greateſt Service that a Man can do unto his Country.

THE Spirit of Mr. *Rogers* is not only to have a People that can live of themſelves, to be governed by none other but ſuch as himſelf; but throwing away all Modeſty, is a profeſſed Enemy to any Man that at ſuch a Streight ſhall fairly offer a Charity to the People, or a Service unto his Country.

WHETHER he be wronged thus far, I leave unto the Reader in what follows; where what the Senſe is, we muſt gueſs; but the Words are certainly Mr. *Rogers*'s. He takes me up, after having handled Mr. *Baxter* like himſelf in this Manner:

BUT in the winding up our Diſcourſe, I am ſurpriſed or way-laid with Mr. Harrington's *Correſpondence with Mr.* Baxter *againſt an Oligarchy, (I wiſh he had been as much againſt Anarchy or Atheiſm) if he means by it the Parliament, or ſuch a Parliament, or the Body of Adherents to the Cauſe, as one of them I believe he muſt, and ſome ſay all; (wherein Mr.* Baxter *and he agree.) But when he tells us his Meaning without mumping and ſcoffing, (which we muſt underſtand before we reply) he may hear further.*

Mark his Art in Slandering: He dareth not to call me Atheiſt, becauſe by my Writings all Men may know that I am none.

I ever underſtood and explained Oligarchy, without *mumping* or *ſcoffing*, to be the Reign of the few, or of a Party, excluding the main Body of the People; yet ſaith he, *From their old Mumpſibus, and his new Sumpſibus, good Lord deliver me.* He ſhould be fined 5 *l.* By the *new Sumpſibus*, he intimates that he means the Government by a Senate and by the People: and the Reaſon why he deprecates this by his Litany, is, that moſt undoubtedly it muſt bring in a ſingle Perſon. This Conſequence he purſueth with much Greek, in which you

you ſhall ſee how well he underſtandeth that Language, or indeed any ancient Commonwealth or Author. His firſt Greek Quotation, as you may find at length in his 72 Page, importeth that in *Lacedemon* no Man ſtood up by the Way of Honour, but to a King, or to an *Ephore*. This, without mumping or ſcoffing, he Engliſheth thus, *None ſtood or were raiſed up* (meaning in the Commonwealth of *Lacedemon) but a King and the Ephore*; whence he infers, *That a ſingle Perſon had an executive Power there.* Then out of *Heraclides* he ſets down a Text which ſhews, that the *Theſmothetæ* in *Athens* were ſworn not to take Bribes; or if they did, were to pay a Statue of Gold to *Apollo*; and this he Engliſheth thus: *The Theſmothets were not to take Bribes, nor to ſet up the Golden Image*, which he underſtands of a King: and finding a King-Prieſt in that Commonwealth, (as in ours there is a King-Herald) he concludes that they did ſet up a King; and ſo, that the Senate and the People is a Government inclining to ſet up a ſingle Perſon. Nor is there much of his Quotations out of ancient Authors, that is leſs miſtaken, and it may be out of Scripture. You ſhall have but one Piece more of him, which is concerning Rotation: of this ſaith he,

Well bowl'd Mr. Rogers.

WHETHER this Way be not, of any, the moſt liable to an Oſtraciſm, let any judge, by diſcouraging, laying aſide, or driving out of the Land, the moſt publickly ſpirited Worthies that are in it; Men of the greateſt *Ability*, *Gallantry*, and *Fidelity*, by which Means a many brave Governments have been utterly deſtroyed: as the *Athenians*, *Argives*, *Thebans*, *Rhodians*, and others. It is ſaid in *Athens*, Ἱππίας ἐλυράννει, καὶ τὸν περὶ Ὀστρακισμῶ νόμον εἰσηγήσαλο, δὲ Ἄλλοι τε ὠστρακίθησαν καὶ Ξάνθιππος καὶ Ἀριστείδης. *That* Hippias *plaid the Tyrant, and he brought forth the Law of Oſtraciſm; but others were caſt into Exile by it, ſuch as* Xantippus, Ariſtides, *&c.* Nor can we but foreſee, how faſt the Wheel of their Rotation would boult or fling out the beſt and ableſt in the Commonwealth, for Bran, leaving the worſt behind in, of all others. And yet of this muſt his Cake be made, which, after it is baked, he would have divided by ſilly Girls! A pretty Sport for the *Mummers* indeed, or thoſe nimble-witted Houſe-wives (that with Vice can *out-vie* the Virtues of the beſt) to learn ſo lightly the whole *Myſtery* of a Commonwealth, and moſt abſtruſe *Intrigues* or *Cabals* of State (Page 13. *Oceana)* that when theſe *Joans* are weary with their Bobbins, they may bob our Ears bravely, with a *garrulous* Rule; and when they lag in their *Bone-lace*, they may lace our Bones, (for *Loggerheads,)* to let them lay down the Diſtaff, and take up the Scepter; leave the Spindle, and divide the Spoil; yea, then ſit like *Magpies at their Doors*, dumb Saints in their Idol's Churches! *Goats in their Gardens!* Devils in their Houſes! *Angels in the Streets!* and Syrens at their Windows! as they ſay of the *Italians*; for when they can live no longer by their Work, they ſhall live by their Wits, in Mr. *Har.*'s Commonwealth, that ſifts out the beſt, and keeps in the worſt to make his Cake with. But in *Lacedemon*, Λυκοῦργος ὁ Εὐνόμω παῖς δικαίως βελληθεὶς ἀποφῆναι Λακεδαιμονίως, ὑπὲρ τοῦτω γὲ ὰ καλὼς τὼς μισθὼς ἠρύσαλο. *Lycurgus* the Son of *Eunomus*, willing to endow the *Lacedemonians* with their Dues in Righteouſneſs and Juſtice, took not away any worthy or good Reward from any one. And the *Thebans*, to encourage Dignity, and keep

Steal a little more, and ſay, His Cake is Dough.

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keep up the Honour of Magiſtracy from Contempt, made a Law, *Ut nemo habilis eſſet, ad Honores Reipublicæ, ſuſcipiendos, niſi Decem Annis à Mercaturâ deſtitiſſet*, &c. That no Man ſhould be accounted qualified for the Honours of the Commonwealth, *i. e.* in *Magiſtracy*, unleſs he had firſt left his merchandizing ten Years: Such a care had they to keep out the *Joans* and *Toms*, which Mr. *H.* admits, by Turns and Times, as the Rotation boults them into the Government, and their Betters out. And what was ſaid of *Cliſthenes* an Athenian, Κλεισθένης δὲ τὸ δεῖν ἐξοστρακίζεσθαι εἰσηγησάμενος, αὐτὸς ἔτοχε τῆς καταδίκης πρῶτος, might poſſibly be applied to Mr. *H.* were their Rogation effected; that he was one of the firſt that introduced this Government by *Oſtraciſm*, and one of the firſt that felt it, and would have retroduced it; the firſt that brought it in, and the firſt that wrought it out. Therefore let him ſecure his own Bull, before he baits another's, and take his Play! ἀκὰν βοῦς ἀπόλοιτο, εἰ μὴ γείτων κακὸς εἴη.

Mark the Ingenuity of theſe Men: That I have written the Commonwealth of Iſrael, *they will take no Notice; nor that from thence eſpecially Rotation is derived.*

LASTLY, I would willingly be informed how his *new Platforms* or Principles *Paganiſh* or *Popiſh*, fetch'd from *Athens*, or from *Venice*, can, without cruciating *Extremities* and Applications, be adequated to our Commonwealth under Chriſtian Profeſſion? ſo that *Quæ ſemel poſſidebant Papiſtæ, ſemper poſſideant Rapiſtæ*; what the *Papiſts* once had, *Rapiſts* and ravenous ones would ever have, *viz. our Rights and Liberties* from us; nor could it be acquired, I think, without greater *Advantages* to *Papiſts* and *Atheiſts* than to us, ſeeing the very *Intereſt* of the Son of God, and Saints in the Nation, the beſt and nobleſt Cauſe on Earth, in all the integrating Parts thereto, is not taken notice of in his Platform; neither in the Balance nor the Wheel; in the Ballot nor Rotation (or Rogation) of it; ſo that *Differs curandi tempus in Annum? Quicquid delirant Reges, plectuntur Achivi.* I may conclude with Mr. *B.* p. 240. *That God having already given us the beſt Fundamental Laws*; let us have but *good Magiſtrates*, and we ſhall have good *derivative Laws*, or human. It was a Law among the *Cretians*, that τὺς παῖδας μανθάνειν τὺς Νόμυς ἐκέλευον μετὰ τίνος μελωδίας ἵνα ἐκ τῆς μυσικῆς ψυχαγωγῶν ται καὶ ἐυκολώτερον αὐτὺς τῇ μνήμῃ παραλαμβάνωσι, &c. That their Children ſhould learn their Laws with Melody; that from the MUSICK they might take *great Pleaſure* in them, and more eaſily commit them to Memory. We need no ſuch *Law*, to endear or *dulcify* our Cauſe or the *Laws* of it in the *Commonwealth*. If the *Foundation* of it be that, which the Hand of the *Almighty* hath laid amongſt us both for Church and State, from *Chriſtian Principles*, rather than from *Paganiſh* or meer *Morals*, it will make moſt excellent Harmony in the Ears and Hearts of all Men and Chriſtians; *And the Governours of Judah ſhall ſay in their Hearts, the Inhabitants of* Jeruſalem *ſhall be my Strength, in the Lord of Hoſts their God*, Zach. xii. 5. Thus our Governors thought of them in the Days of Straits, and will again ſee it, one of their beſt Intereſts, to have their Prayers and their God, as well as their Purſes and Blood, engaged for them; and not diſoblige them upon Jealouſies ſuggeſted by the Enemy, who for their *Virgin* Fidelity, and untainted Adherence to the Cauſe, may be called παρθενίας, as the *Lacedemonians* did their Wives after their Innocency did break out, and get above the Clouds of Suſpicion and Reproach. But if, after all, they will be planting and founding us again in the Spirit of the Nation, as if God had owned no Cauſe, or made no ſignal Diſcrimination; or

No! find them another Way for Liberty of Conſcience.

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ſhaken no ſuch Foundations of the Earth, &c. which their Lord General pretended as one Ground of their Interruption, which Mr. *H.* and others would hurry them into, to the endangering of the Cauſe, and the diſobliging the Adherents; then will the *Jehovah*, that *keepeth Covenant with his People, and not alter the thing that is gone out of his Lips*, Pſal. lxxxix. 34. Acts ii. 30. and iii. 20. 21. raiſe up others in their ſtead, to carry on this his Cauſe, both in the Civils and the Spirituals; and to form another People for himſelf to ſhew forth his Praiſe, *Iſa.* xliii. 21. *Then they that rule over Men, ſhall be juſt, ruling in the Fear of God; and they ſhall be as the Light of the Morning when the Sun ariſeth; a Morning without Clouds, and as the tender Graſs that ſpringeth out of the Earth, by a clear ſhining after Rain*, 2 Sam. xxiii. 3, 4. which that theſe may be, agrees better with my Prayer, than with his Propoſals *I am ſure*. But thus I leave him whom Mr. *B.* has quoted as a Stumbling-block before me; whom I am not only gotten over, but I preſume have given a good lift to the removing of him out of others Way, as to the right Foundation of the Commonwealth, and ſtating the Cauſe.

YOU might have more; but becauſe it is no better, here is enough. I could never yet find among Men like Mr. *Rogers*, that my Spirit is likely to paſs with them for any more than a moral Spirit; and there is nothing more uſual among Divines that make mention of me, than to call me Mad-man or Atheiſt. On the other ſide, Mr. *Rogers*, and moſt of them that thus uſe me, hold themſelves to be Men of ſanctified Spirits. Yet without boaſting, and upon Provocation, I ſubmit it unto the Reader, whether Mr. *Rogers* or my ſelf be of the better Spirit: nor do I blame him ſo much for emptying himſelf luſtily of that which burthened him; Paſſion in a Man is far more pardonable than Malice. He accuſeth me in his Title Page, of Venom and Vilification towards the honourable Members now in Parliament; which, for any thing he hath ſaid, or can ſay to prove it, is not only to bear falſe Witneſs againſt his Neighbour, but in ſeeking the Deſtruction of his Neighbour by falſe Witneſs, to blaſt a Cauſe which he is no otherways able to invade. Let this be conſidered; for if it prove to be the truth of his Meaning, it muſt be from an evil Spirit. However, the Reader may now eaſily judge, whether the Spirit of the People, excluding no Man, or the Spirit of Mr. *Rogers*, and ſuch like, which is that which he would have, excluding the People, be the fitter to be truſted with the Government. *Sept.* 2. 1659.

READER, *I intreat your Pardon; I know well enough that this is below me; but ſomething is to be yielded to the Times: and it hath been the Employment of two or three Hours in a rainy Day.*

A ſufficient Anſwer to Mr. Stubb.

THERE is a Book newly put forth by Mr. *Stubb*, intituled, *A Letter to an Officer*, &c. which in brief comes to this, that he would have a ſelect Senate for Life, conſiſting of Independents, Anabaptiſts, Fifth-Monarchy-Men, and Quakers; for which he is pleaſed to quote *Deut.* xxiii. that he would have all ſuch as adhered unto the Parliament againſt Sir *G. Booth*, to be inrolled as the People of *England:* that he would have all the reſt of the People of *England* to be *Helots*, *Gibeonites*, or *Payſants*. This Book I have read; and I have

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heard a Tale of one, who, to get ſomething, pretended the ſhewing of a ſtrange Beaſt, and Horſe and no Horſe, with the Tail ſtanding where the Head ſhould ſtand; which when all came to all, was a Mare, with her Tail ty'd to the Manger; the lively Emblem of an Oligarchy. Mr. *Stubb* pretending to ſhew his Learning, takes thoſe things, as it were changing the Sex of them, which I have written, and in his Writings turns their Tails unto the Manger. Now this, as to the unlearned Reader, is that upon which it is to no Purpoſe to move any Controverſy; and as to the Learned, I need no more than appeal, whether in their proper Stables, or in the beſt Authors, the Heads of them ſtand, as I have ſet them, or the Tails as Mr. *Stubb* hath ſet them. Only let me ſay, that as to a ſelect Senate, underſtanding thereby a Senate not elected by the People, there is no more of this in all Story, than the Senate of *Rome* only. Whence it is undeniable by any Man of common Underſtanding, that a ſelect Senate bringeth in a ſelect Intereſt, that a ſelect Intereſt cauſeth Feud between that ſelect Intereſt, and the common Intereſt, and ſo between the Senate and the popular Aſſembly; which Coal in *England* it is fitter for ſuch as Mr. *Stubb* and his Patrons to blow, than for ſuch as underſtand Story, Government, and common Honeſty. But their Reaſons who decry the Poſſibility or Plauſibility of ſuch Acts or Orders as theſe, it pleaſeth him to call high *Rodomontado's*. Now which are the higher *Rodomontado's*, theſe, or thoſe which he uſeth in flouriſhing *the Juſtitia of* Aragon, a Patch in a Monarchy, which his Deſign is to tranſlate by *a ſelect Senate*, into a Commonwealth, I leave any Man to judge, even by the Teſtimony of his own Author *Blanca*, and in a Place cited by himſelf, though not ſo well rendered. *Our Anceſtors*, ſaith *Blanca*, *have three ways ſecured our Liberties; by the Juſtitia, by the great POWER of the Ricos hombres*, (now he ſpeaks,) *and by the Privilege of the Union. The firſt was a civil and forenſick Curb*, a Gown, *the ſecond was a domeſtick and more reſtraining one*, (I think ſo, the Purſe and the Power,) *the third popular and warlike*, an excellent Militia. Now let any Man ſay, even after *Blanca*, if without the Nobility, in whom was the Balance of this Monarchy, and their Retainers and Dependents, of which conſiſted the Militia, this Court of the poor Gownman called *Juſtitia*, muſt not have been a very likely thing to reſtrain a Prince; or conſider whether without this ſame Mummery of the *Arragonians*, Houſe of Peers and of Commons in other Monarchies, have not every whit as much reſtrained their Kings, and more, ſeeing this Toy, at every Election of the Magiſtrate called *Juſtitia*, it received not Breath but from a King, was blown away by a King. His other Inſtances, as the thirty ſix *Curators of the Publick* appointed unto *Lewis* the Eleventh of *France*, by the three Eſtates, and the *twenty five ſelect Peers*, given unto King *John* of *England*, were like Shifts, and had leſs Effect. Security in Government muſt be from Entireneſs of Form; and Entireneſs of Form muſt be from Soundneſs or Rightneſs of Foundation. But Mr. *Stubb* founding himſelf upon the Authority of *Ariſtotle*, *that the Weſtern Parts are not capable of a right Commonwealth*, is declaredly for a wrong Commonwealth in *England*. He minds not that *Venice*, for the Capacity, is a righter Commonwealth than was ever any in *Greece*; nor that the preſent State of *England* is of a far different, if not a quite contrary Nature to that of the Weſtern Parts, in the time of *Ariſtotle*.

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A

PROPOSITION

In order to the Propoſing of

A Commonwealth or Democracy.

IF the Parliament ſhall be pleaſed to appoint a Committee to receive Mr. *Harrington*'s Propoſals for ſettling the Government of this Commonwealth, it is humbly propoſed that unto the Committee of the Houſe may be added,

The Earl of *Northumberland*
The Earl of *Denbigh*.
The Earl of *Clare*.
The Earl of *Kingſton*.
The Duke of *Buckingham*.
Lord *Grey* of *Wark*.
Lord *Faulkeland*.
Lord *Lambert*.
Lord *Bronker*.
Richard Nevil, Eſq;
Mr. *Nathaniel Fiennes*.
Lord Mayor of *London*.
Alderman *Titchborne*.
Mr. *Thurlo*.
Mr. *William Pierepoint*.
Sir *John Eveling*.
Mr. *Crew*.
Mr. *Anſlo* of *Ireland*.
Mr. *Prynne*.
Sir *Paul Neal*.
Sergeant *Maynard*.
Colonel *Taylor*.
Lord *Broughal*.
Mr. *Hubard*.
Mr. *John Trevor*.
Captain *Adam Baynes*.
Mr. *Joſias Bernards*.
Mr. *Samuel Moyer*.
Mr. *Anthony Samuel*.
Major *Wildam*.
Mr. *Maximilian Petty*.
Mr. *William Harrington*.
Mr. *Wren*.
Mr. *Baxter* of *Kidderminſter*.
Mrs. *Walwin*.
Dr. *Brooks*.
Mr. *Arthur Eveling*.
Mr. *Cook*.
Dr. *Ferne*.
Dr. *Haymond*.
Dr. *Owen*.
Dr. *Seaman*.
Mr. *Calamy*.
Mr. *Manton*.
Captain *Andrew Ellis*.
Mr. *Challinor Chute*.
Mr. *Slingsby Bethel*.
Sir *Cheany Culpepper*.
Sir *Henry Blount*
Sir *Horatio Townſhend*.
Sir *Anthony Aſhly Cooper*.
Mr. *Job Charleton*.
Mr. *Edward Waller*.
Colonel *Harloe*.
Major *Harloe*.
Colonel *John Clark*.
Mr *John Denham*.
Mr. *Morrice*.
Mr. *Hugh Biſcowen*.
Sir *George Booth*.
Mr. *Robert Roles*.
Dr. *Mills*.
Sir *Orlando Bridgeman*.
Mr. *Robert Stevens*.
Mr. *William James*.
Sir *Juſtinian Iſham*.
Lieutenant Colonel *Kelſey*.
Sir *Robert Hounywood*.
Mr. *Sedgwick*.
Mr. *Philip Nye*.
Dr. *Thomas Goodwin*.
Colonel *Lilburn*.
Charles Howard, Eſq;
Colonel *Aſhfield*.
Sir *Thomas Gower*.
Lord Com *Bradſhaw*.
General *Desborow*.
Colonel *James Berry*.
Major *William Packer*.
Praiſegod Barebones.
Sir *William Waller*.
Colonel *Sanders*.
Colonel *Hatcher*.
Colonel *Edmond Salmon*.
Colonel *Francis Hacker*.
Mr. *Richard Knightley*.
Colonel *John Burch*.
Mr. *John Swynfen*.
Mr. *Thomas Bampfield*.
Colonel *John Okey*.
Mr. *William Kiffen*.
Anthony Pierſon.
Colonel *Moſs*.
Mr. *Frecheville* of *Stavely*.
Mr. *James Morley*.
Dr. *Philip Carteret*.
Captain *Richard Dean*.
Adjutant General *William Allen*.
Mr *William Foreſter* of *Aldermarton*.
Mr. *Edward Hariſon*.
Mr. *Arthur Samwell*.
Mr *Samuel Tull*.
Mr. *Edward Salloway*.

THAT this Committee ſit *Tueſdays* and *Fridays*, by three of the Clock in the Afternoon, in the Banquetting-Houſe, Court of Requeſts, or painted Chamber, the Doors being open, and the Room well fitted for all Comers; and that Mr. *Harrington* having propoſed by Appointment of the Parliament, ſuch others may propoſe as ſhall have the leave of the Parliament.

THIS by Friends of the Commonwealth is propoſed with Mr. *HARRINGTON*'s conſent.

The REASONS for this PROPOSITION are theſe:

IT is the faireſt way of propoſing a Government, that it be firſt propoſed to Conviction, before it be impoſed by Power.

THE Perſons herein nominated being convinced, it muſt neceſſarily have an healing Effect.

THE

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THE

ROTA:

Or a Model of a Free State, or equal Commonwealth.

Once propoſed and debated in brief, and to be again more at large propoſed to, and debated by a free and open Society of ingenious Gentlemen.

Ite fortes, ita fælices.

At the *ROTA*. *Decem.* 20. 1659.

RESOLVED, that the Propoſer be deſired, and is hereby deſired to bring in a Model of a Free State, or equal Commonwealth, at large, to be farther debated by this Society, and that in Order thereunto it be firſt Printed.

RESOLVED, that the Model being propoſed in Print, ſhall be firſt read, and then debated by Clauſes.

RESOLVED, that a Clauſe being read over Night, the Debate thereupon begin not at the ſooner till the next Evening.

RESOLVED, that ſuch as will Debate, be deſired to bring in their Queries upon, or Objections againſt the Clauſe in Debate, if they think fit, in Writing.

RESOLVED, that Debate being ſufficiently had upon a Clauſe, the Queſtion be put by the Ballotting-Box, not any way to determine of, or meddle with the Government of theſe Nations, but to diſcover the Judgment of this Society, upon the Form of popular Government, in Abſtract, or ſecundum Artem.

The Principles of Government.

ALL Government is founded upon Over-Balance, in Propriety.

IF one Man hold the Over-Balance unto the whole People in Propriety, his Propriety cauſeth abſolute Monarchy.

IF the Few hold the Over-Balance unto the whole People in Propriety, their Propriety cauſeth Ariſtocracy, or mixed Monarchy.

IF the whole People be neither over-balanced by the Propriety of one, nor of a few, the Propriety of the People, or of the many, cauſeth the Democracy, or popular Government.

THE Government of one againſt the Balance, is Tyranny.

THE Government of a few againſt the Balance, is Oligarchy.

THE Government of the many, (or Attempt of the People to govern) againſt the Balance, is Rebellion, or Anarchy.

WHERE the Balance of Propriety is equal, it cauſeth a State of War.

TO hold, That Government may be founded upon Community, is to hold, that there may be a black Swan, or a Caſtle in the Air; or,

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or, that what Thing ſoever is as imaginable, as what hath been in Practice, muſt be as practicable, as what hath been in Practice.

IF the over-Balance of Propriety be in one Man, it neceſſitateth the Form of Government to be like that of *Turky*.

IF the over-Balance of Propriety be in the Few, it neceſſitateth the Form of the Government to be like that of King, Lords, and Commons.

IF the People be not over-balanced by one, or a few, they are not capable of any other Form of Government, than that of a Senate, and a popular Aſſembly. For Example, as followeth.

For the FORM or MODEL in Brief of a FREE-STATE, or equal COMMONWEALTH. It hath been propoſed in this Manner.

2. LET the whole Territory of *Oceana* be divided as equally as may be, into fifty Parts or Shires.

2. LET the whole Inhabitants (except Women, Children, and Servants) be divided according unto their Age into Elders and Youth; and according unto their Eſtates into Horſe and Foot.

3. LET all ſuch as are eighteen Years of Age or upwards to thirty, be accounted Youth; and all ſuch as are thirty or upwards, be accounted Elders.

4. LET all ſuch as have one hundred Pounds a Year, or upwards, in Lands, Goods, or Money, be accounted of the Horſe; and all ſuch as have under, be accounted of the Foot of the Commonwealth.

5. LET every Pariſh in a Shire elect annually the fifth Elder of the ſame, to be for that Year a Deputy of that Pariſh; if a Pariſh be too ſmall, let it be laid as to this Purpoſe, unto the next; and in this Reſpect, let every Part of the Territory appertain to ſome Pariſh.

6. WHERE there is but one Elder of the Horſe in a Pariſh, let him be annually eligible, without Interval: where there are more Elders of the Horſe, let no Deputy of the Pariſh be re-eligible, but after the Interval of one Year.

7. WHERE there be four Elders of the Horſe, or more, in one and the ſame Pariſh, let not under two, nor above half of them be elected, at one and the ſame Election, or Time.

8. LET the Deputies thus elected at the Pariſhes, aſſemble annually at the Capital of their Shire, and let them then, and there elect out of their own Number, two Elders of the Horſe to be Knights or Senators, three Elders of the Horſe, and four Elders of the Foot, to be of the Aſſembly of the People, for the Term of three Years, injoining an equal Vacation, or Interval, before they can be re-elected in either of theſe Capacities.

9. LET there be elected at the ſame Time in each Shire, the firſt Year only, two other Knights, and ſeven other Deputies for the Term of one Year, and two other Knights, with ſeven other Deputies for the Term of two Years, which in all conſtituteth the Senate of three hundred Knights, and the popular Aſſembly of one thouſand

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and fifty Deputies, each being upon a triennial Rotation, or annual Change in one third Part.

10. LET the Senate have the whole Authority or Right of debating and propoſing unto the People; let the popular Aſſembly have the whole Power of Reſult; and let what ſhall be propoſed by the Senate, and reſolved by the popular Aſſembly, be the Law of *Oceana*.

The Concluſion.

TWO Aſſemblies thus conſtituted, muſt neceſſarily amount unto the Underſtanding and the Will, unto the Wiſdom and the Intereſt of the whole Nation; and a Commonwealth, where the Wiſdom of the Nation propoſeth, and the Intereſt of the People reſolveth, can never fail in whatever ſhall be farther neceſſary for the right conſtituting of itſelf.

The MODEL at large of a *FREE-STATE*, or equal COMMONWEALTH. Propoſed in four Parts:

Firſt, the Civil,	Part.	Thirdly, the Military,
Secondly, the Religious,		Fourthly, the Provincial.

PART I.

For the Civil Part, it is propoſed,

1. THAT the whole native or proper Territory of *Oceana* (reſpect had unto the Tax-role, unto the Number of People, and to the Extent of Territory,) be caſt with as much Exactneſs as can be convenient, into fifty Precincts, Shires, or Tribes.

2. THAT all Citizens, that is, Free-men, or ſuch as are not Servants, be diſtributed into Horſe and Foot, that ſuch of them as have One hundred Pounds a Year in Lands, Goods, or Money, or above that Proportion be accounted of the Horſe; and all ſuch as have under that Proportion, be accounted of the Foot.

3. THAT all Elders or Free-men, being thirty Years of Age, or upwards, be capable of civil Adminiſtration; and that the Youth, or ſuch Freemen as are betweeen eighteen Years of Age and Thirty, be not capable of civil Adminiſtration, but of Military only, in ſuch Manner as ſhall follow in the military Part of this Model.

4. THAT the Elder's Reſident in each Pariſh, annually aſſemble in the ſame; as for Example, upon Monday next enſuing the laſt of *December*. That they then, and there elect out of their own Number every fifth Man, or one Man out of every five, to be for the Term of the Year enſuing a Deputy of that Pariſh; and that the firſt and ſecond ſo elected, be Overſeers, or Preſidents for the regulating of all parochial Congregations, whether of the Elders, or of the Youth, during the Term for which they were elected.

5. THAT ſo many Pariſhes lying neareſt together, whoſe Deputies ſhall amount to one hundred, or thereabouts, be caſt into one Precinct, called the Hundred: and that in each Precinct called the Hundred,

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Hundred, there be a Town, Village, or Place appointed, to be the Capital of the ſame.

6. THAT the parochial Deputies elected throughout the Hundred aſſemble annually; for Example, upon Monday next enſuing the laſt of *January*, at the Capital of their Hundred. That they then and there elect out of the Horſe of their Number one Juſtice of the Peace, one Jury-man, one Captain, one Enſign; and out of the Foot of their Number, one other Jury-man, one High-conſtable, *&c.*

7. THAT every twenty Hundreds, lying neareſt, and moſt conveniently together, be caſt into one Tribe, or Shire. That the whole Territory being after this Manner caſt into Tribes, or Shires, ſome Town, Village, or Place, be appointed unto every Tribe, or Shire, for the Capital of the ſame: And that theſe three Precincts, that is, the Pariſh, the Hundred, and the Tribe, or Shire, whether the Deputies thenceforth annually choſen in the Pariſhes, or Hundreds, come to increaſe, or diminiſh, remain firm, and unalterable for ever, ſave only by Act of Parliament.

8. THAT the Deputies elected in the ſeveral Pariſhes, together with their Magiſtrates, and other Officers, both civil and military, elected in their ſeveral Hundreds, aſſemble, or muſter annually; for Example, upon Monday next enſuing the laſt of *February*, at the Capital of their Tribe, or Shire.

9. THAT the whole Body thus aſſembled upon the firſt Day of the Aſſembly, elect out of the Horſe of their Number one High-Sheriff, one Lieutenant of the Tribe, or Shire, one *Cuſtos Rotulorum*, one Conductor, and two Cenſors. That the High-Sheriff be Commander in Chief, the Lieutenant Commander in the ſecond Place, and the Conductor in the third, of this Band, or Squadron. That the *Cuſtos Rotulorum* be Muſter-maſter, and keep the Rolls. That the Cenſors be Governors of the Ballot. And that the Term of theſe Magiſtracies be annual.

10. THAT the Magiſtrates of the Tribe, that is to ſay, the High-Sheriff, Lieutenant, *Cuſtos Rotulorum*, the Cenſors, and the Conductor, together with the Magiſtrates and Officers of the Hundred, that is to ſay, the twenty Juſtices of the Peace, the forty Jury-men, the twenty High-conſtables be one Troop, and one Company apart, called the Prerogative Troop, or Company. That this Troop bring in, and aſſiſt the Juſtices of Aſſize, hold the Quarter-Seſſions in their ſeveral Capacities, and perform their other Functions as formerly.

11. THAT the Magiſtrates of the Tribe, or Shire, that is to ſay, the High-Sheriff, Lieutenant, *Cuſtos Rotulorum*, the Cenſors, and the Conductor, together with the twenty Juſtices elected at the Hundreds, be a Court for the Government of the Tribe called the *Phylarch*; and that this Court proceed in all Matters of Government, as ſhall from Time to Time be directed by Act of Parliament.

12. THAT the Squadron of the Tribe, upon the ſecond Day of their Aſſembly, elect two Knights, and three Burgeſſes out of the Horſe of their Number, and four other Burgeſſes out of the Foot of their Number. That the Knights have Seſſion in the Senate, for the Term of three Years, and that the Burgeſſes be of the Prerogative Tribe, or Repreſentative of the People for the like Term. That if in caſe of Death, or Expulſion, a Place become void in the Senate, or popu-

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popular Aſſembly, the reſpective Shire or Tribe have timely Notice from the Seignory, and proceed in the Manner aforeſaid unto extraordinary Election of a Deputy or Senator, for the remaining Part of the Term of the Senator or Deputy, deceaſed or expelled.

13. THAT for the full and perfect Inſtitution, at once, of the Aſſemblies mentioned, the Squadron of each Tribe or Shire, in the firſt Year of the Commonwealth, elect two Knights for the Term of one Year, two other Knights for the Term of two Years, and laſtly, two Knights more for the Term of three Years; the like for the Burgeſſes, of the Horſe firſt, and then for thoſe of the Foot.

14. THAT a Magiſtrate, or Officer elected at the Hundred, be thereby barred from being elected a Magiſtrate of the Tribe, or of the firſt Day's Election. That no former Election whatſoever bar a Man of the ſecond Day's Election at the Tribe, or to be choſen a Knight or Burgeſs. That a Man being choſen a Knight or Burgeſs, who before was choſen a Magiſtrate or Officer of the Hundred or Tribe, delegate his former Office or Magiſtracy in the Hundred or the Tribe, to any other Deputy, being no Magiſtrate nor Officer, and being of the ſame Hundred, and of the ſame Order, that is, of the Horſe, or of the Foot reſpectively. That the whole and every Part of the foregoing Orders for Election in the Pariſhes, the Hundreds, and the Tribes, be holding and inviolate upon ſuch Penalties, in caſe of Failure, as ſhall hereafter be provided by Act of Parliament againſt any Pariſh, Hundred, Tribe or Shire, Deputy or Perſon ſo offending.

15. THAT the Knights of the annual Election in the Tribes take their Places on Monday next enſuing the laſt of *March*, in the Senate. That the like Number of Knights, whoſe Seſſion determineth at the ſame Time, recede. That every Knight or Senator be paid out of the publick Revenue quarterly ſeventy five Pounds, during his Term of Seſſion, and be obliged to ſit in purple Robes.

16. THAT annually upon Reception of the new Knights, the Senate proceed unto Election of new Magiſtrates and Counſellors. That for Magiſtrates they elect one Archon or General, one Orator or Speaker, and two Cenſors, each for the Term of one Year, theſe promiſcuouſly; and that they elect one Commiſſioner of the Great Seal, and one Commiſſioner of the Treaſury, each for the Term of three Years, out of the new Knights only.

17. THAT the Archon or General, and the Orator or Speaker, as Conſuls of the Commonwealth, and Preſidents of the Senate, be during the Term of their Magiſtracy paid quarterly five hundred Pounds: that the Enſigns of theſe Magiſtracies be, a Sword born before the General, and a Mace before the Speaker: that they be obliged to wear Ducal Robes: and that what is ſaid of the Archon or General in this Propoſition, be underſtood only of the General ſitting, and not of the General marching.

18. THAT the General ſitting, in caſe he be commanded to march, receive Field-pay; and that a new General be forthwith elected by the Senate to ſucceed him in the Houſe, with all the Rights, Enſigns and Emoluments of the General ſitting, and this ſo often as one or more Generals are marching.

19. THAT the three Commiſſioners of the Great Seal, and the three Commiſſioners of the Treaſury, uſing their Enſigns and Habit,

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and performing their other Functions as formerly, be paid quarterly unto each of them three hundred ſeventy five Pounds.

20. THAT the Cenſors be each of them Chancellor of one Univerſity by Vertue of their Election: That they govern the Ballot: That they be Preſidents of the Council for Religion: That they have under Appeal unto the Senate right to note and remove a Senator that is ſcandalous: That each have a Silver Wand for the Enſign of his Magiſtracy: That each be paid quarterly three hundred ſeventy five Pounds, and be obliged to wear ſcarlet Robes.

21. THAT the General ſitting, the Speaker, and the ſix Commiſſioners aboveſaid, be the Seigniory of this Commonwealth.

22. THAT there be a Council of State conſiſting of fifteen Knights, five out of each Order or Election; and that the ſame be perpetuated by the annual Election of five out of the new Knights, or laſt elected into the Senate.

23. THAT there be a Council for Religion conſiſting of twelve Knights, four out of each Order, and perpetuated by the annual Election of four out of the Knights laſt elected into the Senate. That there be a Council for Trade conſiſting of a like Number, elected and perpetuated in the ſame Manner.

24. THAT there be a Council of War, not elected by the Senate, but elected by the Council of State out of themſelves. That this Council of War conſiſt of nine Knights, three out of each Order, and be perpetuated by the annual Election of three out of the laſt Knights elected into the Council of State.

25. THAT in caſe the Senate add nine Knights more out of their own Number into the Council of War, the ſaid Council be underſtood by ſuch Addition, to be Dictator of the Commonwealth, for the Term of three Months, and no longer, except by further Order of the Senate the ſaid Dictatorian Power be prolonged for a like Term.

26. THAT the Seigniory have Seſſion and Suffrage, with Right alſo jointly or ſeverally, to propoſe both in the Senate and in all Senatorian Councils.

27. THAT each of the three Orders or Diviſions of Knights in each Senatorian Council elect one Provoſt for the Term of one Week; and that any two Provoſts of the ſame Council ſo elected may propoſe unto the reſpective Council, and not otherwiſe.

28. THAT ſome fair Room or Rooms well furniſhed and attended, be allowed at the State's Charge for a free and open Academy unto all Comers, at ſome convenient Hour or Hours, towards the Evening. That this Academy be governed according to the Rules of good Breeding or civil Converſation, by ſome or all of the Propoſers: and that in the ſame it be lawful for any Man by Word of Mouth, or by Writing, in jeſt or in earneſt, to propoſe unto the Propoſers.

29. THAT for Embaſſadors in ordinary there be four Reſidences, as *France*, *Spain*, *Venice*, and *Conſtantinople*: That every Reſident upon Election of a new Embaſſador in ordinary, remove to the next Reſidence in the Order nominated, till having ſerved in them all, he return home. That upon Monday next enſuing the laſt of *November*, there be every ſecond Year elected by the Senate ſome fit Perſon, being under thirty five Years of Age, and not of the Senate,

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nate, nor of the popular Aſſembly: That the Party ſo elected repair upon Monday next enſuing the laſt of *March* following, as Embaſſador in Ordinary unto the Court of *France*, and there reſide for the Term of two Years, to be computed from the firſt of *April* next enſuing his Election. That every Embaſſador in Ordinary be allowed three thouſand Pounds a Year, during the Term of his Reſidencies; and that if a Reſident come to die, there be an extraordinary Election into his Reſidence for his Term, and for the Remainder of his Removes, and Progreſs.

30. THAT all emergent Elections be made by Scrutiny, that is, by a Council, or by Commiſſioners propoſing, and by the Senate reſolving in the manner following: That all Field Officers be propoſed by the Council of War: that all Embaſſadors extraordinary be propoſed by the Council of State: that all Judges and Serjeants at Law be propoſed by the Commiſſioners of the Great Seal. That all Barons and Officers of Truſt in the Exchequer be propoſed by the Commiſſioners of the Treaſury, and that ſuch as are thus propoſed and approved by the Senate, be held lawfully elected.

31. THAT the Cognizance of all Matter of State to be conſidered, or Law to be enacted, whether it be provincial or national, domeſtick or foreign, appertain unto the Council of State That ſuch Affairs of either Kind as they ſhall judge to require more Secrecy, be remitted by this Council, and appertain unto the Council of War, being for that End a ſelect Part of the ſame. That the Cognizance and Protection both of the national Religion, and of the Liberty of Conſcience equally eſtabliſhed, after the Manner to be ſhewn in the religious Part of this Model, appertain unto the Council for Religion. That all Matter of Traffick and Regulation of the ſame appertain unto the Council for Trade. That in the Exerciſe of theſe ſeveral Functions, which naturally are ſenatorian or authoritative only, no Council aſſume any other Power, than ſuch only as ſhall be eſtated upon the ſame by Act of Parliament.

32. THAT what ſhall be propoſed unto the Senate by one or more of the Seigniory or Propoſers general, or whatever was propoſed by any two of the Provoſts, or particular Propoſers, unto their reſpective Council; and upon Debate at that Council ſhall come to be propoſed by the ſame unto the Senate, be neceſſarily debatable and debated by the Senate. That in all Caſes wherein Power is derived unto the Senate by Law made or by Act of Parliament, the Reſult of the Senate be ultimate; that in all Caſes of Law to be made, or not already provided for by Act of Parliament, as War and Peace, Levy of Men, or Money or the like, the Reſult of the Senate be not ultimate. That whatſoever is decreed by the Senate upon a Caſe wherein their Reſult is not ultimate, be propoſed by the Senate unto the Prerogative Tribe, or Repreſentative of the People, except only in Caſes of ſuch Speed or Secrecy, wherein the Senate ſhall judge the neceſſary Slowneſs, or Openneſs, in this way of proceeding, to be of Detriment, or Danger unto the Commonwealth.

33. THAT if upon the Motion or Propoſition of a Council or Propoſer General, the Senate add nine Knights, promiſcuouſly choſen out of their own Number unto the Council of War; the ſame Council, as thereby made Dictator, have Power of Life and Death, as alſo to enact Laws in all ſuch Caſes of Speed or Secrecy for and during the

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Term of three Months and no longer, except upon new Order from the Senate. And that all Laws enacted by the Dictator be good and valid for the Term of one Year and no longer, except the ſame be propoſed by the Senate, and reſolved by the People.

34. THAT the Burgeſſes of the annual Election returned by the Tribes, enter into the Prerogative Tribe, popular Aſſembly, or Repreſentative of the People, upon *Monday* next enſuing the laſt of *March*; and that the like number of Burgeſſes, whoſe Term is expired, recede at the ſame time. That the Burgeſſes thus entered, elect unto themſelves out of their own Number, two of the Horſe, one to be Captain, and the other to be Cornet of the ſame; and two of the Foot, one to be Captain, and the other to be Enſign of the ſame; each for the Term of three Years. That theſe Officers being thus elected, the whole Tribe or Aſſembly proceed to the Election of four annual Magiſtrates, two out of the Foot to be Tribunes of the Foot, and two out of the Horſe to be Tribunes of the Horſe. That the Tribunes be Commanders of this Tribe in Chief, ſo far as it is a military Body, and Preſidents of the ſame, as it is a civil Aſſembly. And laſtly, that this whole Tribe be paid weekly, as followeth: Unto each of the Tribunes of Horſe ſeven Pounds. Unto each of the Tribunes of Foot ſix Pounds. Unto each of the Captains of Horſe five Pounds. Unto each of the Captains of Foot four Pounds. Unto each of the Cornets three Pounds. Unto each of the Enſigns two Pounds, ſeven Shillings. Unto every Horſeman two Pound; and to every one of the Foot one Pound, ten Shillings.

35. THAT inferior Officers, as Captains, Cornets, Enſigns, be only for the Military Diſcipline of this Squadron or Tribe. That the Tribunes have Seſſion in the Senate without Suffrage; that they have Seſſion of Courſe and with Suffrage in the Dictatorian Council, ſo often as it is created by the Senate. That they be Preſidents of the Court in all Caſes, to be judged by the People: And that they have Right under an Appeal unto popular Aſſembly, to note or remove any Deputy or Burgeſs that is ſcandalous.

36. THAT Peculate or Defraudation of the Publick, all Caſes tending to the Subverſion of the Government, be triable by this Repreſentative; and that there be an Appeal unto the ſame in all Cauſes, and from all Magiſtrates, Courts, and Councils, whether National or Provincial.

37. THAT the Right of Debate, as alſo of propoſing to the People, be wholly and only in the Senate, without any Power at all of Reſult, not derived from the People.

38. THAT the Power of Reſult be wholly and only the popular Aſſembly, without any Right at all of Debate.

39. THAT the Senate having debated and agreed upon a Law to be propoſed, cauſe Promulgation of the ſame to be made for the Space of ſix Weeks before Propoſition, that is, cauſe the Law to be printed and publiſhed, ſo long before it is to be propoſed.

40. THAT Promulgation being made, the Seigniory demand of the Tribunes being preſent in the Senate, an Aſſembly of the People. That the Tribunes upon ſuch Demand by the Seigniory or by the Senate, be obliged to aſſemble the Prerogative Tribe or Repreſentative of the People in Arms by ſound of Trumpet with Drums beating, and Colours flying, in any Town, Field, or Market-place, being not above

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ſix Miles diſtant, upon the Day and at the Hour appointed, except the meeting through Inconvenience of the Weather, or the like, be prorogued by conſent of the Seigniory and the Tribunes: That the Prerogative Tribe being aſſembled accordingly, the Senate propoſe to them by two or more of the Senatorian Magiſtrates thereunto appointed, at the firſt Premulgation of the Law: That the Propoſers for the Senate open unto the People the Occaſion, Motives and Reaſons of the Law to be propoſed; and the ſame being done, put it by diſtinct Clauſes unto the Ballot of the People. That if any material Clauſe or Clauſes be rejected by the People, they be reviewed by the Senate, altered, and propoſed, if they think fit, to the third time, but no oftner.

41. THAT what is thus propoſed by the Senate, and reſolved by the People, be the Law of the Land, and no other, except as in the Caſe reſerved unto the Dictatorian Council.

42. THAT every Magiſtracy, Office, or Election, throughout this whole Commonwealth, whether annual or triennial, be underſtood of Conſequence, to injoin an Interval or Vacation equal unto the Term of the ſame. That the Magiſtracy of a Knight and of a Burgeſs, be in this Relation underſtood as one and the ſame; and that this Order regard only ſuch Elections as are national and domeſtick, and not ſuch as are provincial or foreign.

43. THAT for an Exception to this Rule, where there is but one Elder of the Horſe in one and the ſame Pariſh, that Elder be eligible in the ſame without Interval; and where there be four Elders of the Horſe or above in one and the ſame Pariſh, there be not under nor above Half of them eligible at the ſame Election.

44. THAT throughout all the Aſſemblies and Councils of this Commonwealth, the *Quorum* conſiſt of one Half in the time of Health, and of one third Part in a time of Sickneſs, being ſo declared by the Senate.

PART II.

For the religious Part, it is propoſed:

45. THAT the Univerſities, being prudently reformed, be preſerved in their Rights and Indowments for and towards the Education and Proviſion of an able Miniſtry.

46. THAT the legal and ancient Proviſion for the national Miniſtry be ſo augmented, that the meaneſt ſort of Livings or Benefices, without Defalcation from the greater, be each improved to the Revenue of one hundred Pounds a Year, at the leaſt.

47. THAT a Benefice becoming void in any Pariſh, the Elders of the ſame may aſſemble, and give Notice unto the Vice-Chancellor of either Univerſity, by Certificate, ſpecifying the true Value of that Benefice; that the Vice-Chancellor upon a Receipt of ſuch Certificate, be obliged to call a Congregation of the Univerſity; that the Congregation of the Univerſity to this End aſſembled, having regard unto the Value of the Benefice, make choice of a Perſon fitted for the miniſterial Function, and return him unto the Pariſh ſo requiring; that the Pro-

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Probationer, thus returned unto a Pariſh, by either of the Univerſities, exerciſe the Office and receive the Benefits, as Miniſter of the Pariſh for the Term of one Year. That the Term of one Year expired, the Elders of the Pariſh aſſemble, and put the Election of the Probationer unto the Ballot. That if the Probationer have three Parts in four of the Balls or Votes in the Affirmative, he be thereby ordained and elected Miniſter of that Pariſh; not afterwards to be degraded or removed but by the Cenſors of the Tribe, the Phylarch of the ſame, or the Council of Religion, in ſuch Caſes as ſhall be unto them reſerved by Act of Parliament. That in caſe the Probationer come to fail of three Parts in four at the Ballot, he depart from that Pariſh; and if he return unto the Univerſity, it be without Diminution of the former Offices or Preferments which he there enjoyed, or any Prejudice unto his future Preferment; and that it be lawful in this caſe for any Pariſh to ſend ſo often to either Univerſity, and be the Duty of either Vice-Chancellor, upon ſuch Certificates, to make return of different Probationers, till ſuch time as the Elders of that Pariſh have fitted themſelves with a Miniſter of their own Choice and Liking.

48. THAT the national Religion be exerciſed according to a Directory in that Caſe, to be made and publiſhed by Act of Parliament. That the national Miniſtry be permitted to have no other publick Preferment or Office in this Commonwealth. That a national Miniſter being convict of Ignorance or Scandal, be moveable out of his Benefice by the Cenſors of the Tribe, under an Appeal unto the Phylarch, or to the Council for Religion.

49. THAT no Religion being contrary unto, or deſtructive of Chriſtianity, nor the publick Exerciſe of any Religion, being grounded upon, or incorporated into a foreign Intereſt, be protected by, or tolerated in this State. That all other Religions, with the publick Exerciſe of the ſame, be both tolerated and protected by the Council of Religion; and that all Profeſſors of any ſuch Religion, be equally capable of all Elections, Magiſtracies, Preferments and Offices, in this Commonwealth, according unto the Orders of the ſame.

PART III.

For the military Part it is propoſed:

50. THAT annually upon *Wedneſday* next enſuing the laſt of *December*, the Youth of each Pariſh, under the Inſpection of the two Overſeers of the ſame, aſſemble, and elect the fifth Man of their Number, or one in five of them, to be for the Term of that Year, Deputies of the Youth of that Pariſh.

51. THAT annually, on *Wedneſday* next enſuing the laſt of *January*, the ſaid Deputies of the reſpective Pariſhes meet at the Capital of the Hundred, where there are Games and Prizes allotted for them, as hath been ſhewed elſewhere, that there they elect to themſelves out of their own Number, one Captain, and one Enſign. And that of theſe Games, and this Election, the Magiſtrates, and Officers of the Hundred, be Preſidents and Judges for the impartial Diſtribution of the Prizes.

52. THAT annually, upon *Wedneſday* next enſuing the laſt of *February*, the Youth through the whole Tribe thus elected, be received at the Capital of the ſame, by the Lieutenant, as Commander

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in chief, by the Conductor, and by the Cenſors; that under Inſpection of theſe Magiſtrates, the ſaid Youth be entertained with more ſplendid Games, diſciplined in a more military Manner, and divided by Lot into ſundry Parts or Eſſays, according to Rules elſewhere given.

53. THAT the whole Youth of the Tribe thus aſſembled be the firſt Eſſay. That out of the firſt Eſſay there be caſt by Lot two hundred Horſe, and ſix hundred Foot; that they whom their Friends will, or themſelves can mount, be accounted Horſe, the reſt Foot. That theſe Forces amounting in the fifty Tribes to ten thouſand Horſe, and thirty thouſand Foot, be always ready to march at a Week's warning; and that this be the ſecond Eſſay, or the ſtanding Army of the Commonwealth.

54. THAT for the holding of each Province, the Commonwealth in the firſt Year aſſign an Army of the Youth, conſiſting of ſeven thouſand five hundred Foot, and one thouſand five hundred Horſe. That for the Perpetuation of theſe provincial Armies, or Guards, there be annually at the Time and Place mentioned, caſt out of the firſt Eſſay of the Youth, in each Tribe or Shire ten Horſe, and fifty Foot; that is, in all the Tribes five hundred Horſe, and two thouſand five hundred Foot for *Marpeſia*, the like for *Pampea*, and the like of both Orders for the Sea-Guards, being each obliged to ſerve for the Term of three Years upon the State's Pay.

55. THAT the Senate and the People, or the Dictator, having decreed or declared War, and the Field-Officers being appointed by the Council of War; the General, by Warrant iſſued unto the Lieutenants of the Tribes, demand the ſecond Eſſay, or ſuch Part of it, as is decreed, whether by way of levy or recruit. That by the ſame Warrant he appoint his Time and Rendezvous; that the ſeveral Conductors of the Tribes or Shires deliver him the Forces demanded at the Time and Place appointed. That a General thus marching out with the Standing Army, a new Army be elected out of the firſt Eſſay as formerly, and a new General be elected by the Senate; that ſo always there be a General ſitting, and a Standing Army, what Generals ſoever be marching. And that in Caſe of Invaſion, the Bands of the Elders be obliged unto like Duty with thoſe of the Youth.

56. THAT an only Son be diſcharged of theſe Duties without Prejudice. That of two Brothers, there be but one admitted to foreign Service at one time. That of more Brothers not above Half. That whoever otherwiſe refuſeth his Lot, except upon Cauſe ſhewn he be diſpenſed withal by the Phylarch, or upon Penitence, he be by them pardoned and reſtored by ſuch refuſal, be uncapable of electing, or being elected in this Commonwealth; as alſo, that he pay unto the State a fifth of his Revenue for Protection, beſides Taxes. That Divines, Phyſicians and Lawyers, as alſo Trades not at leiſure for the Eſſays, be ſo far forth exempted from this Rule, that they be ſtill capable of all Preferments in their reſpective Profeſſions with Indemnity.

57. THAT upon Warrants iſſued forth by the General for Recruits or Levies, there be an Aſſembly of the Phylarch in each Tribe: That ſuch Voluntiers or Men being above thirty Years of Age, as are deſirous of farther Imployment in Arms, appear before the Phylarch ſo aſſembled. That any Number of theſe not exceeding one Moiety of the Recruits or Levies of that Tribe or Shire, may be taken on by the Phylarch, ſo many of the Youth being at the Diſcretion of this Council diſbanded, as are taken on of the Voluntiers. That the Levies

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vies thus made, be conducted by the Conductor of the reſpective Tribe or Shire, unto the Rendezvous appointed: And that the Service of theſe be without other Term or Vacation, than at the Diſcretion of the Senate and the People, or ſuch Inſtructions unto the General, as ſhall by them in that caſe be provided.

PART IV.

For the provincial Part it is propoſed:

58. THAT upon Expiration of Magiſtracy in the Senate, or at the annual Receſs of one third Part of the ſame, there be elected by the Senate out of the Part receding into each provincial Council four Knights for the Term of three Years, thereby to render each provincial Council, preſuming it in the beginning to have been conſtituted of twelve Knights, divided after the manner of the Senate, by three ſeveral Liſts or Elections, of annual, triennial and perpetual Revolution or Rotation.

59. THAT out of the ſame third Part of the Senate annually receding, there be unto each Province one Knight elected for the Term of one Year. That the Knight ſo elected be the provincial Archon, General or Governor. That a provincial Archon, Governor or General, receive annually in *April*, at his Rendezvous appointed, the Youth or Recruits elected in the precedent Month to that end by the Tribes, and by their Conductors delivered accordingly. That he repair with the ſaid Youth and Recruits, unto his reſpective Province, and there diſmiſs that Part of the provincial Guard or Army, whoſe triennial Term is expired. That each provincial Governor have the Conduct of Affairs of War and of State, in his reſpective Province, with Advice of the provincial Council; and that he be Preſident of the ſame.

60. THAT each provincial Council elect three weekly Propoſers or Provoſts, after the manner, and to the Ends already ſhewn in the Conſtitution of Senatorian Councils; and that the Provoſt of the ſenior Liſt during his Term, be Preſident of the Council in Abſence of the provincial Archon, or General.

61. THAT each provincial Council proceed according unto Inſtructions received from the Council of State, and keep Intelligence with the ſame by any two of their Provoſts, for the Government of the Province as to matter of War, or of State. That upon Levies of native, or proper Arms, by the Senate and the People, a provincial Council, having unto that End received Orders, make Levies of provincial Auxiliaries accordingly. That Auxiliary Arms upon no Occaſion whatſoever exceed the proper or native Arms in Number. That for the reſt, the provincial Council maintain the Provincials, defraying their peculiar Guards and Council, by ſuch known Proportion of Tributes, as on them ſhall be ſet by the Senate and the People, in their proper Rights, Laws, Liberties and Immunities, ſo far forth as upon the Merits of the Cauſe, whereupon they were ſubdued, it ſeemed good unto the Senate and the People to confirm them. And that it be lawful for the Provincials to appeal from their provincial Magiſtrates, Councils, or Generals, to the People of *Oceana*.

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INDEX

OF THE

PRINCIPAL MATTERS

Treated of in

HARRINGTON's WORKS*.

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* N. B. This INDEX does not *particularly* refer to the ſmall Tracts at the End of the Volume; they being only the ſame Principles *defended*, *abridged* or reduc'd to *Aphoriſms*. Yet in the peruſal of theſe the *Index* will be found no leſs uſeful; as it will direct the Reader to a fuller Explanation or Proof of any Phraſe or Poſition that may ſeem to want it.

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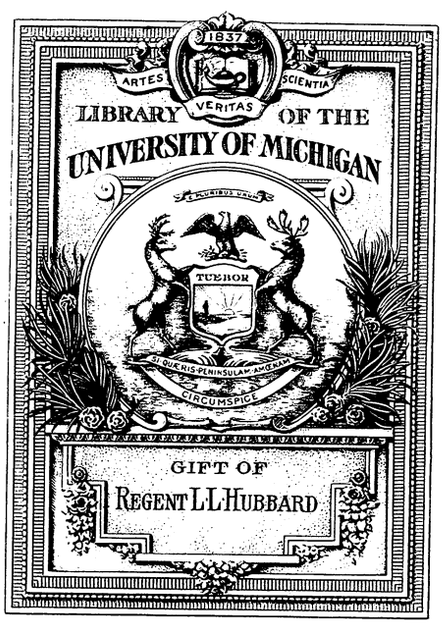
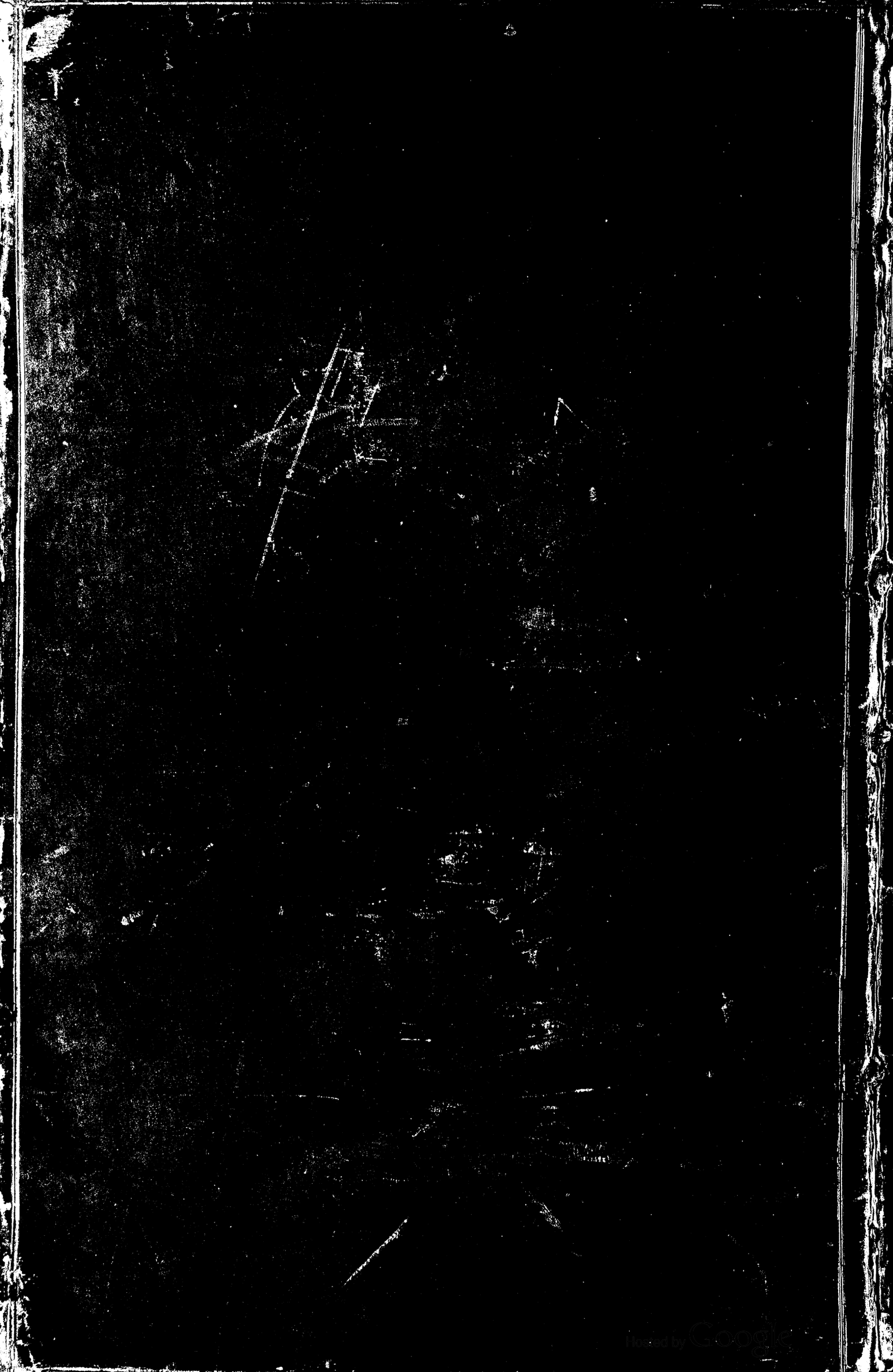
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